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CONTENTS

CHAPTER PAGE

I. General Administration 7

II. Public Education 20

Historical 20

Common Schools 67

Higher Education 125

Conclusion 147

III. Guaranteeing Bank Deposits 157

IV. Taxation 184

V. Public Health 218

VI. Agricultural Administration 244

Index 263

INTRODUCTORY NOTE.

This volume of the Publications is devoted to the presentation of an interesting study of Public Administration in Mississippi by Prof. A. B. Butts of the Faculty of the Mississippi A. & M. College. The encouragement of such scholarly undertakings by the educators of the State by the publication of their theses, prepared as a means of securing degrees, is the fixed policy of the Society. Such a policy honors the scholar and at the same time is most creditable to the Society.

DUNBAR ROWLAND.

Department of Archives and History,
Jackson, Mississippi, December 27, 1919.

PUBLIC ADMINISTRATION

IN

MISSISSIPPI

By

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Submitted in Partial Fulfilment of the Requirements
For the Degree of Doctor of Philosophy in the
Faculty of Political Science
Columbia University

JACKSON, MISS.
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PREFACE

This study was commenced upon the suggestion of Dr. Howard Lee McBain of Columbia University, to whom the author is indebted for many wise and helpful suggestions. To Dr. Dunbar Rowland, Secretary of the Mississippi Historical Society, the author expresses deepest appreciation for many courtesies extended at every stage of the work in preparing this study; through him, too, the author gratefully extends his thanks to the Mississippi Historical Society for the privilege of publishing this monograph as a volume of the publications of the Society. His thanks are also due his wife, without whose help in the preparation of the manuscript the publication of this study would have been greatly delayed. The many state officials who have furnished material and made helpful suggestions are too numerous to mention; to all of them the author expresses grateful appreciation. He also acknowledges indebtedness to Professor E. S. Towles of the Department of Modern Languages in the Mississippi A. & M. College, for assistance in reading the proof and in the preparation of the index.

Agricultural College, Miss.,
September, 1919.

A. B. B.

PUBLIC ADMINISTRATION IN MISSISSIPPI.

CHAPTER I.

GENERAL ADMINISTRATION.

In the place of the time-honored triumvirate of government made up of the legislative, the executive, and the judicial branches, students of political science[1] have suggested that all of the activities of government may be included in two branches, namely, the ''policy determining'' and the ''policy executing'' branches. By the former, the policies of government are formulated and written into law; by the latter, these policies are administered. In this study attention will be directed toward the policy executing, or administrative branch of the government in Mississippi. It is germane to the purpose of this study to sketch in the beginning the position occupied in the general administration of the state government by each individual officer, board, or commission charged with any part of ''the detailed execution of the will of the state as it is manifested in the laws.''

Like the constitutions of most of the commonwealths of the United States, the Constitution of Mississippi declares that the powers of government of the state shall be divided into three distinct departments, and each of them confided to a separate magistry, to wit: those which are legislative to one, those which are judicial to another, and those which are executive to another.[2] Only six state executive or administrative officers are provided for in the constitution, namely, the governor, lieutenant governor, secretary of state, state treasurer, auditor of public accounts, and state librarian. All other officers charged with administrative duties are provided for by statute law.

The Governor has vested in him by the constitution the chief executive power of the state.[3] He holds his office for four years and is ineligible as his immediate successor. The manner of electing a governor in Mississippi is unusual, for two separate majorities are required. The successful candidate must have (1) a popular majority—that is, a majority of the individual votes cast all over the state, and (2) a majority of the electoral votes. Section 140 of Article 5 of the Constitution reads as follows:

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[1] Prominent among them, Dr. F. J. Goodnow. See Rawles, Adm. of Indiana, Col. Univ. Studies, Vol. XVII, No. 1, p. 15, administration defined.

[2] Const. 1890, Sec. 1, Art. I; 1817, Art. II, Sec. 1; 1832, Art. II, Sec. 1; 1869, Art. III, Sec. 1.

[3] Art. V, Sec. 116, Const. 1890.

> The governor of the state shall be chosen in the following manner: On the first Tuesday after the first Monday of November of A. D., 1895, and on the first Tuesday after the first Monday of November in every fourth year thereafter, until the day shall be changed by law, an election shall be held in the several counties and districts created for the election of members of the house of representatives in this state, for governor, and the person receiving in any county or such legislative district the highest number of votes cast therein, for said office, shall be holden to have received as many votes as such county or district is entitled to members in the house of representatives, which last named votes are hereby designated "electoral votes." In all cases where a representative is apportioned to two or more counties or districts, the electoral vote, based on such representative, shall be equally divided among such counties or districts. The returns of said election shall be certified by the election commissioners, or a majority of them, of the several counties and transmitted, sealed, to the seat of government, directed to the secretary of state, and shall be by him safely kept and delivered to the speaker of the house of representatives at the next ensuing session of the legislature within one day after he shall have been elected. The speaker shall, on the next Tuesday after he shall have received said returns, open and publish them in the presence of the house of reprsntatives, and said house shall ascertain and count the vote of each county and legislative district and decide any contest that may be made concerning the same, and said decision shall be made by a majority of the whole number of members of the house of representatives concurring therein, by a viva voce vote, which shall be recorded in its jourunal; Provided, In case the two highest candidates have an equal number of votes in any county or legislative district, the electoral vote of such county or legislative district shall be considered as equally divided between them. The person found to have received a majority of all the electoral votes, and also a majority of the popular vote, shall be declared elected.

The Lieutenant Governor is elected at the same time, in the same manner, and for the same term as the Governor.[4]

The Secretary of State is elected for a term of four years. The constitution requires that he shall be keeper of the capitol, shall keep a correct register of all official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes, and vouchers relative thereto, before the legislature. It is also required by the constitution that he perform such other duties as may be required of him by law.[5]

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[4] Art. V, Sec. 128, Const. 1890.

The State Treasurer and the Auditor of Public Accounts are elected for a term of four years and are ineligible immediately to succeed themselves or each other in office.[6]

The State Librarian by provision of the constitution is chosen by the legislature on joint vote of the two houses. The term of office for the state librarian is four years. Any woman, a resident of the state for four years, and who has attained the age of twenty years, is eligible to the office.[7]

Besides the elective offices provided for in the constitution the state legislature has from time to time provided state offices which are filled by popular election. It will suffice to call attention briefly to these offices.

The Railroad Commission is constituted of three commissions, one elected from each supreme court district to serve four years.[8]

Three Penitentiary Trustees are elected, one from each supreme court district, to serve four years. Important powers are vested by law in the hands of the board of trustees of the state penitentiary.[9]

The State Board of Bank Examiners is composed of three members one elected from each supreme court district No person may become a candidate for State Bank Examiner until he has passed satisfactorily an examination given by the State Bank Commissioners.[10] Bank Examiners may succeed themselves in office any number of terms for which they may be elected.

The State Land Commissioner is elected as other state officers are at the general election held every four years. His duties are prescribed in detail by the law.[11]

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[5] Art. V, Sec. 133, Const. 1890.

[6] Art. V, Sec. 134, Const. 1890.

[7] Art. 4, Sec. 106, Const. 1890; see also Ch. 130, Code 1906.

[8] Code of 1906, Sec. 4140

[9] Code of 1906, Ch. 107, Secs. 3589-3680, inclusive.

[10] Laws of 1914, Ch. 124, S. B. 48, Secs. 2-5, inclusive; see also, Ch. III, infra, Guaranteeing Bank Deposits.

[11] Code 1906, Ch. 77, Secs. 2904-2949, inclusive.

The State Revenue Agent is elected for a term of four years. The office was provided for by the laws of 1894[12] and has been retained since that time.[13] This officer is charged with the duty of collecting unpaid taxes or past due obligations of any other character due the state. Through his activities during recent years large sums of money have been turned into the state treasury.

The State Insurance Commissioner, the chief officer of the State Department of Insurance, is elected for a term of four years. As chief officer of the Department of Insurance the Insurance Commissioner is charged with the execution of all laws in force relative to all insurance, including indemnity or guarantee and other companies, corporations, associations or orders doing business within the state.[14]

The Attorney General of the state, elected for a term of four years, is the chief law officer of the state.[15] It is his duty to represent the state in all suits by or against the state, to give legal advice to state officers, to the legislature, and to the boards of supervisors of the various counties upon request. Upon request of the governor or other state officers, it is the duty of the attorney-general to prepare drafts of contracts, forms or other legal documents.[16]

The State Superintendent of Education is elected for a term of four years. There is no limit prescribed by law as to the number of successive terms the state superintendent may serve. The state superintendent has general supervision of the public free schools, and prescribes such rules and regulations for their efficient organization and conduct as he may deem necessary.[17] The law requires that he preside over all meetings of the State Board of Education, and that he solicit reports from all the public and private educational institutions of the state.[18] It is his duty to apportion the state common school fund to the several counties and separate school districts.[19] He appoints the members of the State Board of Teachers' Examiners[20] and the members of the State Illiteracy Commission.[21] The State Superintendent of Education is an ex-officio member of the State Board of Education, the State Text-Book Commission, the State Geological Survey Commission, the Board of Trustees for the State University and Colleges,[22] and the Board of Trustees of the State Normal College.

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[12] Chapter 34.

[13] Ch. 131, Sec. 4737, Code of 1906.

[14] Code 1906, Ch. 69, Secs. 2550, 2551, 2554.

[15] Code 1906, Sec. 4140.

[16] Ch. 10, Code 1906.

[17] Code 1906, Sec. 4819.

[18] Ibid.

The Commissioner of Agriculture and Commerce is also elected by the people for a term of four years. The Department of Agriculture and Immigration was created by act of the legislature in 1906.[23] It is the duty of the Commissioner of Agriculture and Commerce to encourage the proper development of agriculture, horticulture and kindred industries, to collect and publish statistics and such other information as may be of benefit in developing the agricultural resources of the state, and to investigate and report on the question of broadening the market and demand for cotton and cotton goods in the United States and in foreign countries.[24] In addition to these duties, the legislature in 1912, and again in 1918, assigned other duties to the Commissioner of Agriculture and Commerce; for in 1912 the duty of issuing tax tags to manufacturers of fertilizers was transferred from the State Chemist to the State Department of Agriculture and Commerce, the State Chemist co-operating in this work;[25] and in 1918 the Commissioner of Agriculture and Commerce was charged with the duty of enforcing the terms of an act "to regulate dairies, creameries, milk and cream buying and skimming stations, and the sale and purchase of milk and cream and the by-products of the same, in the State of Mississippi.''[26]

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[19] Code 1906, Sec. 4821.

[20] Laws 1896, Ch. 106; Code 1906, Sec. 4551.

[21] Laws 1916, Ch. 110, Sec. 1.

[22] The single board for the University, Industrial Institute and College, A. & M. College, and Alcorn A. & M. College (colored.)

[23] Laws 1906, Ch. 102, Secs. 1-12.

[24] Laws 1906, Sec. 9, Articles 1-14; Code 1906, Ch. 32, Secs. 1622-1632.

[25] Laws 1912, Ch. 138, pp. 133-140. See Ch. VI, Agrl. Adm., infra.

The Clerk of the Supreme Court is elected by popular vote every four years.[27]

The Governor's appointive power, as may be seen from the accompanying chart,[28] is larger than is usually supposed. He appoints the Adjutant General of the National Guard[29] and either all or a part of the personnel of more than a score of boards and commissions.

The State Board of Health is composed of thirteen members. The Governor selects one physician from each of the eight congressional districts of the state and five physicians from the state at large. The physicians appointed to membership on the board from the congressional districts are selected upon such evidence of skill and fitness as may be satisfactory to the Governor; the five members selected from the state at large are appointed upon the recommendation of the State Medical Association.[30] The State Board of Health appoints the State Factory Inspector, and the Board may remove the Factory Inspector for cause.[31] The State Board of Health has under its control the management of the State Tuberculosis Sanitarium; the superintendent of the sanitarium is appointed by the Board of Health.[32]

The State Board of Law Examiners consists of three members of the state bar one from each supreme court district, appointed by the governor to serve a term of two years.[33]

The State Board of Pharmaceutical Examiners consists of five practicing pharmacists who are appointed by the governor and whose term of office expires with that of the governor appointing them.[34]

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[26] Laws 1918, Ch. 191, pp. 224-231. See Ch. VI, Agrl. Adm., infra.
[27] Laws 1916, Ch. 99, Sec. 1.
[28] At the beginning of this chapter.
[29] Code 1906, Ch. 96, Sec. 3254.
[30] Code 1892, Ch. 60, pp. 569-572, Sec. 2267; Laws 1904, Ch. 150, p. 208.
[31] Laws 1914, Ch. 163, p. 209. See Ch. V Public Health, infra.
[32] Laws 1916, Ch. 79, pp. 146-148. See Ch. V, Public Health, infra.
[33] Laws 1916, Ch. 107, Sec 1.
[34] Code 1906, Ch. 109, Sec. 3668.

The State Board of Dental Examiners consists of five practicing dentists who must be graduates of a reputable dental college. They are appointed by the governor to serve four years.[35]

The State Board of Nurses' Examiners consists of five members appointed by the governor for a five-year term, one member being appointed each year. The law requires that four of the members of this board shall be graduate nurses and one a physician.[36]

The State Board of Veterinary Examiners consists of five members, two appointed by the governor and three by the State Veterinary Medical Association. Members of this board serve four years.[37]

The State Board of Bank Commissioners consisting of three members, and whose sole duty is that of examining candidates for State Bank Examiners, is selected in the following manner: one, a successful banker and business man, appointed by the governor; one, an experienced accountant, appointed by the auditor of public accounts; one, an experienced lawyer, appointed by the attorney general. The bank commissioners serve four years.[38]

The Governor appoints the members of thirteen separate boards of trustees of educational and eleemosynary institutions, as follows: the Board of Trustees of the State University and Colleges (which includes the Industrial Institute and College, the A. & M. College, and the Alcorn A. & M. College for negroes), the Board of Trustees of the State Normal College, the Board of Trustees of the Mississippi Industrial and Training School for delinquent children, and the boards of trustees, and in most instances the superintendent, of the Institute for Blind, of the institute for Deaf and Dumb, of the State Insane Asylum, of the East Mississippi Insane Hospital, of the Mattie Hersee Hospital, the Natchez Hospital, the State Charity Hospital at Jackson, the State Charity Hospital at Vicksburg and the State

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[35] Laws 1904, Ch. 145; Code 1906, Sec. 1609.
[36] Laws 1914, Ch. 129, Secs. 1 and 3.
[37] Laws 1914, Ch. 130, Sec. 2.
[38] Laws 1914, Ch. 124, Sec. 4.

Charity Hospital of South Mississippi, and of the Beauvior Confederate Home.

The governor appoints the members of the boards of trustees of the two levee districts of the state, namely, the Yazoo-Mississippi Delta Levee District, and the Mississippi Levee District. In making these appointments the governor is confined to the counties contained within the districts.[39]

The governor appoints the members of the State Board of Oyster Commissioners,[40] the Board of Pardons,[41] the State Board of Tax Commissioners,[42] the State Highway Commission,[43] the State Text-book Commission, [44] two of the five members of the State Livestock Sanitary Board,[45] and five of the seven members of the State Board of Embalming.[46]

The State Highway Engineer is named by the State Highway Commission.[47]

The State Geologist is appointed by the Mississippi Geological Survey Commission.[48]

The State Superintendent of Education, as has been noted,[49] appoints the members of the State Board of Teachers' Examiners and the members of the State Illiteracy Commission.

The Director of the State Department of Archives and History is appointed by the Board of Trustees of that department, which board consists of nine members and is self perpetuating.

There are ten important ex-officio offices, boards and commissions in the administrative organization of the state. The Board of Trustees of the State Library consists of the Governor,

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[39] For the one exception to this rule, see Const. 1890, Sec. 230; See Art. 11, Sections 227-239, Const. 1890.

[40] Laws 1902, Ch. 58; Code 1906, Ch. 102, Sec. 3489.

[41] Laws 1916, p. 138.

[42] Laws 1916, p. 97; Laws 1918, p. 287.

[43] Laws 1916, p. 232.

[44] Code 1906, Ch. 125, Sec. 4594.

[45] Laws 1908, p. 96.

[46] Laws 1918, Ch. 223, p. 279.

[47] Laws 1916, p. 232.

[48] Laws 1906, Ch. 111; Code 1906, Ch. 59, Sec. 2362.

[49] Supra p. 11.

Supreme Court Judges, and Attorney General;[50] the Board of Election Commissioners of the Governor, Secretary of State, and Attorney General;[51] the State Board of Education, of the Superintendent of Education, Secretary of State, and Attorney General;[52] the Capitol Commission of the Governor, Secretary of State, and Insurance Commissioner;[53] the State Board of Contracts of the Secretary of State, Attorney General, and Auditor of Public Accounts;[54] the State Plant Board of the Commissioner of Agriculture and Commerce, the Director of State Experiment Stations, and Entomologist of the A. & M. College;[55] the Mississippi Geological Survey Commission of the Governor, Superintendent of Education, Director of the Department of Archives and History, the Chancellor of the State University, and the President of the A. & M. College;[56] the State Livestock Sanitary Board of the Governor, Attorney General, Commissioner of Agriculture and Commerce, the Professor of Animal Husbandry of the A. & M. College, the Professor of Veterinary Science of the A. & M. College, and two members appointed by the Governor;[57] the State Board of Embalming of the Executive Officer of the State Board of Health, the Director of the Bureau of Vital Statistics of the State Board of Health, and five members appointed by the Governor.[58] The Professor of Chemistry at the A. & M. College, is ex-officio State Chemist.[59]

Centralization in government in the United States has not as a rule been as pronounced in state administration as in federal administration and in town and city administration. Yet within recent years much centralization of administration has occurred in state government. In the state of Mississippi where there are no large cities the chief problem of public administration is that of state administration. It can not be said that there has been any noticeable tendency toward centralization of the state administration. The governor has eight important powers, namely, (1) to veto bills, (2) to adjourn the legislature, (3) to convene the legislature, (4) to suspend certain officers,[60] (5) to require information from officers of any executive department of the state on any subject relating to that office, (6) to grant pardons, (7) to command the armed forces of the state, (8) to appoint certain officers of the state government. In the exercise of his duty to see that the laws are faithfully executed, the governor is able to wield considerable power.

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[50] Code 1906, Sec. 4723.

[51] Code 1906, Ch. 119, Sec. 4107.

[52] Const. 1890, Art. 8, Sec. 203; 1869, Art. VIII, Sec. 3.

[53] Laws, 1904, Ch. 109.

[54] Code 1906, Sec. 284; Const. 1890, Sec. 107.

[55] Laws 1918, p. 270.

[56] Laws 1906, Ch. 111; Code 1906, Ch. 59, Sec. 2362.

[57] Laws 1908, p. 96; Laws 1910, Ch. 227, p. 226, Gov. and Atty. Genl. added.

[58] Laws 1918, Ch. 223, p. 279.

[59] Laws 1882, Ch. XXIV, pp. 44-47, Sec. 1; Code 1906, Ch. 51, p. 696.

The organization of county government in Mississippi is similar to that in the other states of the union, and especially to other southern states. From the time of the organization of the state it has been divided into counties; in 1919 there are eighty-two counties. The county is merely a sub-division of the state for the convenience of administration, subordinate always to the state and under the control of the state legislature.

Each county is divided into five supervisors' districts, or beats, numbered from first to fifth. The supervisors' districts, or beats, are sub-divided into smaller parts, called voting precincts. For educational purposes each county is surveyed and laid off into townships—square blocks six miles on the side. The townships are subdivided into sections, numbered from one to thirty-six, beginning at the northeast corner of each township.[61]

The officers of the counties are as follows: Board of Supervisors, one elected from each of the five supervisors districts, tax assessor, sheriff, treasurer, chancery clerk, circuit clerk, superintendent of education, coroner and ranger, surveyor.[62] For each beat, or district, there are two officers, namely, the justice of the peace and the constable Each is elected by the voters of his own beat, and holds office for four years.

The municipalities in Mississippi are classed according to the number of inhabitants in each, as follows: Those having two thousand or more inhabitants are called cities; those having from three hundred to two thousand, towns; those having from one hundred to three hundred, villages.[63] In general the officers of a municipality in Mississippi are the mayor, aldermen, marshal or policemen, tax collector, treasurer, city clerk, street commissioner, and judge or judges of the police court.[64]

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[60] Judges; state or county treasurer or tax collector charged with defalcation.

[61] See A. H. Ellett, The Federal Union and Mississippi, p. 178.

[62] Office of County Attorney optional with counties.

The state executive organization of Mississippi as it stands is the result of a gradual development. New offices and boards have been created from time to time as the exigencies of the situation seemed to demand or justify. The results are patent. Offices and boards have been multiplied; in some instances overlapping of functions of departments has resulted; in other instances the desired cooperation in the work of related departments has not been attained. The idea of popular election of state officers has been carried to a ridiculous extreme.[65] Every four years the electorate is called upon to select officers for fifteen separate state offices. Add to this the list of local offices to be filled by popular election and the perplexity of the situation is readily apparent. The multiplicity of elective officers usually results in the attention of the voters being directed to the one or two important offices with little attention to the others. Instead of the fitness of the candidates for office being of paramount importance, these offices are filled in a haphazard manner with little or no attention to personal qualifications for the duties of particular offices. Either appointment by the proper authorities with restrictions if need be as to choice based upon qualifications, or restriction on candidates, by qualifying examination for example, if the elective method is to be retained seems in the interest of good government imperative. By and large, a better plan than the loose-jointed one in vogue at present may be summed up: short-ballot methods for the elective officers; appointment upon proved merit of officers whose duties are of a technical administrative sort rather than of a policy determining nature.

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[63] Laws 1900, Ch. 70; Code 1906, Ch. 99, Sec. 3299.

[64] City Health Officer in a few municipalities.

[65] Another elective office, that of State Game and Fish Commissioner, was provided in 1916. The first Commissioner was to have been elected in 1919; but the office was abolished by referendum. See Laws 1916, Ch. 99, pp. 100-105.

Fewer elected state officers and where practicable a consolidation of departments in the state executive organization would make for more unity and a greater degree of efficiency and economy in the administration of the state government.

Of the present fifteeen elective state offices six might be selected by appointment, namely, the State Land Commissioner, State Revenue Agent, Insurance Commissioner, the Railroad Commissioners, the Penitentiary Trustees, and the Clerk of the Supreme Court. This would leave to be filled by direct vote of the people the following state offices: Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Commerce. No change in the constitution would be necessary in order to bring about such change in plans in the selection of officers.

The enactment of legislation looking toward a plan of reorganization in the executive branches of the state government by which there would be some consolidation of departments, according to logically related functions, would be in the interest of better state administration. A study of the functions of the existing departments shows that consolidation could be effected on the basis of related functions.[66] The precise form which the administrative organiztion would assume under any plan of consolidation of departments would of necessity be determined by the history and the current functions of the various departments.

It is not the purpose of this study of public administration in Mississippi to take up the work of every department of state government, but rather to examine certain of the more important branches of the state administration and to point out the places where centralization of administration has taken place with an estimate of the results of such development. The subjects that will be treated are public education, banking, taxation, public health, and agriculture.

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[66] E. g., practically all the functions of the state government might logically fall within the following classification: finance; banking and insurance; health; agriculture; public works; charities and corrections; education; military affairs; elections; with a minimum of separate departments, such as a Legislative Reference Bureau, for instance.

CHAPTER II

PUBLIC EDUCATION

1. *Historical*

The first fundamental law of Mississippi, the Constitution of 1817, sanctioned education. Although there was entire absence of anything approaching a school system during the territorial period, this first constitution of Mississippi[1] reproduced almost verbatim a part of the Ordinance of 1787 and declares that "Religion, morality, and knowledge being necessary to good government, the preservation of liberty, and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this State." It is perhaps not incorrect to say that this Ordinance of 1787 marks the beginning of public education in Mississippi, for as has been said,[2] this provision "sounded the key-note, and gave direction to most of the States of the Union in this regard." Although many years were to elapse before the state of Mississippi was to have an organized system of public education, it augured for the best that the makers of her first constitution should accept the principle laid down in a document to which Daniel Webster referred when he said[3]

> But this ordinance did that which was not so common, and which is not even now universal; that is, it set forth and declared as a high and binding duty of government itself, to encourage schools and advance the means of education; for the plain reason that religion, morality and knowledge are necessary to good government, and to the happiness of mankind.

To say that there was an entire absence of a school system in Mississippi during the territorial period does not, however, mean that no effort had been made prior to 1817 to establish educational institutions. Quite the contrary is true. Under the

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[1] Article VI, Section 16, Constitution of Miss., 1817.

[2] Lowry & McCardle, History of Miss., p. 417.

[3] Ibid., pp. 417-418, In the discussion of this ordinance in the Senate of the United States in 1830 in reply to Mr. Hayne, of South Carolina, on the "Foote" resolutions.

Spanish regime nothing was done for the education of the people, and little came of the early efforts of the Americans under the leadership of Governor Sargent and the judges,[4] who had been appointed to take charge of territorial affairs immediately after the withdrawal of the Spanish government in 1798. But in spite of the fact that the country was in a very unsettled state, and that the people were giving the major portion of their time to resisting the aggressions and tyranny of the first territorial governor, they did not wholly overlook the importance of schools. ''On the 23rd day of December, 1799, Mr. Sewall presented to Congress a letter from Governor Sargent, inclosing a memorial from the inhabitants of Natchez, praying for legislative aid in the establishment of a seminary; also a petition of John Henderson and others, inhabitants of Natchez, praying the aid and patronage of Congress in the establishment of a regular ministry of gospel, and schools for the youth.''[5]

No aid came from the federal government until 1803, when an act of Congress providing for ''the sale of land south of Tennessee,'' excepted, ''section No. 16, which shall be reserved in each township, for the support of schools within the same.''[6] Meritorious as ''one of the inducements for people to adventure to the wild lands and build up new communities,''[7] this act of Congress did not result in immediate benefits to Mississippi Territory in solving her early educational problems. Individual enterprise was responsible for the establishment of the first public school system in the territory when in 1801 ''the first public female school'' was started in Natchez by the Rev. David Ker, a Presbyterian minister and a native of Ireland.[8]

Jefferson College another pioneer institution of the territorial period, began active work in 1811. The institution had been chartered in 1802 by the territorial legislature, but no funds had been granted as by the terms of the charter the institution was "to be supported by voluntary contributions, to which end the trustees were authorized to receive donations from citizens and others, and to raise a sum of money by lottery."[9] The act of the territorial legislature in chartering this educational institution, even though no funds were appropriated, was encouraging to those interested in laying the foundation of an educational system. "It is noteworthy," says Judge Mayes, "that not only was this the first institution of learning established by authority of the State, but also that its charter was the first act of incorporation for any purpose in Mississippi"[10] The institution is still in existence.

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[4] The governor and the three judges, or any three of them, were authorized to frame for the Territory laws like those of the States then belonging to the Union. But, see, Riley, History of Miss., pp. 95-96.

[5] Mayes, History of Education in Miss., p 23. Also, Annals of Congress, sixth session, House of Representatives.

[6] Rowland, Ency. Miss. Hist., Vol. II, pp. 669-670.

[7] Ibid.

[8] Mayes, History of Education in Miss., p. 23.

With sparse settlement characterizing practically every community of the territory, especially the eastern section, it is not surprising that only "eight educational and literary institutions were chartered by the legislature in the territorial period."[11]

Under the first constitution of the state substantial progress was made, and a study of the development along educational lines during the first period of statehood, 1817 to 1832, reveals by no means an inconsiderable interest by the people in matters pertaining to the establishment of schools. Education as a governmental undertaking was still viewed to a great extent as a charity, rather than a public duty. Although the first constitution of the state sanctioned education it did not place upon the legislators the duty of providing any means of education. However this may be, the first legislature elected after the formation of the state government was called upon to provide for the organization and administration of schools under the trust fund accruing from the sixteenth sections of land which had been granted to the states by an act of Congress in 1803. "In 1815 congress authorized the territorial county courts to appoint five agents to lease the 16th sections in each county, the leases to expire January 1 after the admission of the Territory as a State.''[12] Mississippi was admitted to the Union by an act of Congress approved December 10, 1817 and so the leases which had been made by the territorial authorities expired January 1, 1818. The new state legislature passed a statute in 1818 providing that the justices of the county court should ''take charge of the lands given by the United States to the State of Mississippi, in their counties respectively, and provide for the erection of one or more schools, as they may deem right and useful.''[13] The law authorized the justices to lease the lands for a period not exceeding three years, and they were also called upon to protect the lands against waste of soil and timber.[14]

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[9] Mayes, p. 25.

[10] Mayes, p. 25.

[11] Four of these in Wilkinson County and one each in Adams, Amite, Claiborne, and Jefferson. Riley, School History of Miss., p. 130. See also, Hutchinson's Code of Miss. pp. 245-247.

For six years the county justices remained the administrative officers of the sixteenth section school funds, but under the provisions of a law passed by the state legislature in 1824 each township wherein lands were reserved was authorized to elect a board of trustees to ''take into consideration the situation of the school sections and how to apply the money arising from the lease or rents of the same.''[15] These trustees were to protect the lands from waste, and rent them for a term not exceeding five years.

In 1821, upon the recommendation of Governor Poindexter, the legislature established a ''literary fund.'' This fund was established for the specific purpose of educating the poor children of the state. Governor Poindexter had requested the legislature to create ''a Literary Fund, to be raised by a moderate county tax annually, with three commissioners in each county, to educate poor orphan children and care for the fund, so that it might accumulate to permanent capital for the maintenance of schools.''[16] The fund was to be built up by money received from ''all escheats, confiscations, forfeitures, and all personal property accruing to the State as derelict,'' all fines not otherwise appropriated, and unclaimed estates. Added to this was a state tax equal to one-sixth of the general levy, and besides, taxes against non-residents were appropriated to the fund. The law did not long retain its place as the first state tax for schools, for that part of the law which provided for the six per cent tax was repealed by the legislature of January, 1823. The money collected from this source was refunded to the counties.[17]

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[12] Rowland, Ency. Miss. History, Vol. II, p. 670.
[13] Ibid.
[14] Ibid.
[15] Rowland, Ency. Miss. History, Vol. II, p. 670.
[16] Ibid., p. 611; Governor's message.

From the administrative point of view, after 1821 there were two separate agencies, viz., the trustees of the literary fund, and the township trustees of the school lands. To administer the literary fund "the governor and certain other State officers, presiding judge of the supreme court, chancellor, and three appointees, were to be incorporated as President and Directors of the Literary Fund."[18] They could appoint an agent in each county, and five school commissioners; were to send a committee once a year to inspect all educational institutions, and see that the teachers in the seminaries were qualified to teach the Greek and Latin languages; and were to "impress upon the minds of the children and youth committed to their care and instruction, the principles of piety, justice . . . and those other virtues which are the ornament of human society and the basis upon which the republican constitution is structured."[19]

By a law of 1829 the trustees of the school lands were authorized to establish as many schools in each township as they deemed necessary, the rent from the school lands to be apportioned according to the school enrollment.[20] In 1830 by purchase and trade the United States acquired the lands of the Choctaws in the state. As a result all the state, except the area held by the Chickasaws, was being opened to settlement. By paying the regulr price of public lands the holdings of the Chickasaws came under control of the United States in 1832. The result of these acquisitions on the administration of education will be examined presently in the discussion of the period from 1832 to the beginning of the civil war.

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[17] Ibid., p. 612.

[18] Rowland, Ency. Miss. History, Vol. II, pp. 611-612.

[19] Ibid., p. 612, quoted by Rowland.

[20] Rowland, Ency. Miss. History, Vol. II, p. 670.

Of the secondary schools established in Mississippi during this period 1817 to 1832 one is noteworthy. In 1821, antedating by twenty-four years any other free school of permanent establishment in Mississippi, the Franklin Academy was established at Columbus. This school was from the time of its establishment a sixteenth section school. At present it is a part of the general public school system. "The school," says Dr. Rowland, "is particularly notable as an instance of what might have been obtained generally from a proper use of the proceeds of the Sixteenth Sections."[21]

Advancement of higher education was likewise slow during this early period of Mississippi history "Owing to the partiality of the people of Mississippi to the older colleges of the other states, higher institutions for the education of young men did not prosper in this period These difficulties did not affect the growth of schools for the higher education of young women." Such is the explanation offered by Dr. Riley.[22] Elizabeth Female Academy was chartered in 1819. Judge Mayes says of the Elizabeth Female Academy[23]

> This institution was a school celebrated in its day for the thoroughness of its work and for its large measure of success. Although extinct since about 1843 ,it is still memorable because of several facts. It was not only the first school at which girls were received to be incorporated in the territory of Mississippi; it was the first to be incorporated by the state after its admission into the Union. It was the first school designed exclusively for girls to be incorporated by either the Territorial or the State legislatures. It was the first in Mississippi or any Gulf State to aspire to and achieve the dignity of a college in fact, although not in name, and it was the first fruits of Protestant denominational work in all the extreme South.

Mississippi College, at Clinton, was incorporated as the Hampstead Academy in 1826. Although never a state-supported institution, it received some aid from the state legislature and at one time it aspired to be a state institution.[24] In 1830 Oakland College, now extinct, was established in Claiborne County by the Presbyterian church.[25] In all, between 1817 and 1832 twenty-nine schools and literary associations were incorporated by the legislature.[26]

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[21] Rowland Enc. Miss., History, Vol. I, p. 743.

[22] Riley, School History of Miss. p. 175.

[23] Mayes, Hist. of Education in Miss., p. 38.

[24] Riley, School Hist. of Miss., p. 176.

[25] Mayes, p. 63.

The constitutional provision sanctioning education which had been made a part of the first fundamental law of Mississippi[27] was reproduced without the slightest change in the constitution of 1832.[28] If this did not denote progress, neither did it indicate lack of interest. Two things of importance had occurred about this time. On September 28, 1830, the treaty of Dancing Rabbit Creek was concluded between the tribe of Choctaw Indians and the United States, in which the Indians ceded the residue of their lands in Mississippi. Secondly, on the 20th and 22nd of October, 1832, by provision of a treaty between the United States and the Chickasaw tribe of Indians the Chickasaw lands became incorporated in the state. As a result of these two treaties the entire state was opened for settlement. In 1830 the population of the state was 136,000; the population doubled in the following decade; and twenty years after the first of these treaties (1850) the population of the state was 606,050.[29] After this accession to the population the average community in the state was no longer in a wholly isolated condition as had been the case in the earlier period of the state. Economic conditions in the state were rapidly improving; villages and rural communities were springing up in sections which had formerly been unsettled or very sparsely settled. No social organization had been possible under the old conditions but with the great increase in population an additional impetus was given to all matters pertaining to the welfare of the communities. The cause of education was benefited materially, and we are told that "schools and academies were incorporated in almost every county then organized, and the standard of the earlier institutions made higher."[30]

A committe which had been appointed on authority of the legislature, by Governor Brandon in 1829 "to inquire into all the means and resources of this state which may or can be applied to the purposes of a general system of education . . . suited to the various local interests of the citizens'' submitted a report to a committee of the House in 1830. The report stated that primary schools were taught in order ''to lessen the wide gap between the educated and the ignorant, and as placing it in the power of all to become acquainted with and consequently appreciate the rights, privileges and blessings of an American citizen.''[31] The committee did not approve making an appropriation to a school fund, but they favored a revival and continuation of the Literary Fund. The history of the Literary Fund subsequent to the constitution of 1832 is of interest.

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[26] Riley, p. 175.
[27] Art. VI, Sec. 16, Constitution of 1817.
[28] Art. VII, Sec. 14, Constitution of 1832.
[29] Lowry and McCardle, History of Miss., p. 420.
[30] Lowry and McCardle, Hist. of Miss., pp. 420-421.

It will be recalled that an act of the legislature of November 26, 1821 had provided for the literary fund.[32] Five years later the fund amounted to $8,844, ''mostly loaned out at ten per cent.''[33] Governor Brandon's suggestion that the fund be invested in 120 shares of stock in the Bank of Mississippi was adopted. Accordingly in 1830 $30,000 had been invested in bank stock, and in 1836 the auditor reported that ''the literary and seminary funds had been invested in over one thousand shares of Planters Bank stock, which could be disposed of for more than $100,000.[34] The accumulated literary fund was lost in the collapse of the bank,[35] and the act of 1839 appropriating fines and forfeitures in the several counties to certain academies within the counties stopped the sources of the fund.

A complete account of the handling of the income derived, or which should have been derived, from the federal grants of land included in the 16th section grants, the seminary fund, and the Chickasaw fund is not within the purpose of this discussion. To the extent only that these problems were a part of the actual administration of schools of the state are they here taken into account. The administration of the sixteenth section lands down to the civil war period is described by Dr. Rowland as follows:[36]

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[31] Rowland, Ency. Miss. History, Vol. II, p. 612.

[32] Supra. p. 23.

[33] Rowland, Ency. Miss. History, Vol. II, p. 612.

[34] Ibid., p. 613.

[35] See chapter on banking, infra., p. 160.

> The system of short leases was abandoned under the act of legislature of February 27, 1833, which provided that when the majority of the resident heads of families in any township requested it, the school land trustees should lease the section for 99 years to the highest bidder, it being permitted to lease in lots of not less than eighty acres. Where the township did not have a sufficient population to have a board of trustees, the county board of police might lease the section. The leases were to be made on a credit of one, two, three and four years, the purchasers to give notes payable to the trustees, who were required when the notes were paid, to "appropriate the amount so collected to the purpose of education in the township where the lands were located. The law was admirably adapted to destroy all hope of revenue from the school lands for the period of ninety-nine years. In 1836 authority was given to loan the proceeds to private persons or invest same in any solvent bank. In 1841 the school section trustees were authorized to sell the depreciated bank paper in their hands at public auction. A law of 1842 authorized the trustees or county judge of probate to compromise or rescind all leases or other contracts for the sixteenth sections, or purchase for the township under the liens retained. In 1846 Governor Brown said the leasing system had not worked well. A very small fraction of the 1,100 sections were well managed. Some were leased and the money not collected; in many instances the proceeds had been collected and squandered, and "in the fewest number of instances have there been free schools kept by the proceeds." Lowndes county is distinguished as one that has maintained schools on this land since 1821. The common school law of 1846 provided that the county treasurer should open an account for each township, entering a credit for the principal and interest arising from the lease of the 16th section, the principal to remain a permanent fund, the interest thereon to be used for township education; but this requirement was made valueless by a proviso that upon protest of a majority of the heads of families, the control of the fund should be left with the township trustees.

On the whole, the administration of the lands granted by the federal government for aiding the state in establishing the means of education had down to the civil war been of such character as to preclude the possibility of any considerable improvement. In the handling of the income from the federal grants there was displayed many forms of incompetence, not to mention the evident dishonesty that frequently characterized the acts of those charged with collecting and applying these funds.[37]

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[36] Ency. Miss. History, Vol. II, p. 671.

[37] See, Sixteenth Sections, Ency. Miss. History, Vol. II, pp. 669-673; Chickasaw Fund, Ibid., Vol I, pp. 408-410; also, Seminary Fund, Ibid., Vol. II, pp. 638-640.

During the period 1832 to 1860 the leading advocate of a system of public education was Albert Gallatin Brown[38] who was elected governor of the state in 1843 on the repudiation-of-Union-bank-bonds ticket. In a pre-election speech Mr. Brown urged "the establishment of schools in which every poor white child in the country may secure, free of charge, the advantages of a libeal education."[39] On January 10, 1844, Governor Brown in delivering before the legislature his inaugural address "pleaded with great eloquence for a general system of common schools which should be open to all and at which the poor should be educated gratis."[40] In his message to the legislature January 6, 1864, he said:[41]

> What would we think of a man who had built a ship and sent her upon a distant and perilous sea, laden with rich and costly goods without insurance? Yet we have erected a government, laden with priceless jewels of liberty and cast it upon the uncertain elements of public opinion untempered as yet by the hallowed influence of education and shall we still refuse the safety of that government by refusing to contribute to the only means that give it safely,—to the education of its people? The rich may say, 'We have no interest in the education of the poor!' There could be no greater or (more) fatal error. Pride, the love of offspring, the ephemeral pleasures of witnessing the tree of youth nurtured by our care as it expands and grows and ripens into manhood—these teach the rich to educate their own children, but the higher consideration of patriotism, the holier cause of religion and morality, the pure and unstained love of human happiness, teach them to educate the poor.

In another part of the message Governor Brown said "that the Sixteenth sections set apart by a wise enactment of Congress for school purposes, had been most shamefully neglected";[42] of the ten or twelve hundred sections of school lands under the control of the citizens of the townships not one hundred sections had been well managed. Failing to impress the first legislature which met after his election of the importance of providing for a school system, Governor Brown was more successful in his next efforts; and on March 4, 1846, the first state school law was passed. After his unsuccessful attempts to secure the passage of a law providing for schools, Governor Brown began an active campaign in the state designed to bring about popular demand for the establishment of common schools. He called upon the presidents of the boards of police of the different counties to make full inquiries in regard to the management, status, and fruits of the sixteenth sections; and he requested Judge James S. B. Thatcher, of the high court of errors and appeals to devise a scheme of public education. That Governor Brown had not worked in vain is shown not only by the passage of the law of 1846, but also by the fact that in some counties the election of delegates to the State convention turned upon the point of the establishment of public free schools.[43]

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[38] A biographical sketch of A. G. Brown will be found in Ency. Miss. History, Vol. I, pp. 310-319.

[39] Mayes, Hist. of Education in Miss., Ch. XV, p. 278.

[40] Ibid.

[41] Message of Governor Brown to legislature, Jan. 6, 1846. Also see Publications Miss. Historical Society, Vol. XII, pp. 74-75, Miss Elsie Timberlake.

[42] Lowry and McCardle, School History of Miss. pp. 422.

The main provisions of the school law of 1846 are as follows:[44]

> The boards of county police in their respective counties were required to appoint a board of school commissioners to consist of five members, one from each police district. The school commissioners were required to meet quarterly at their respective court houses, to elect from their number a president and a secretary, and were authorized to adopt by-laws, also to designate what schools should be deemed common schools, and to have the general superintendence of them. They were also authorized to license teachers for such schools. Such teachers were authorized to draw from the county school fund such compensation as should have been contracted for between themselves and the commissioners. The boards of police were empowered to levy special taxes for common-school purposes, provided the consent of a majority of the resident heads of families in each township should be given in writing before such levy should be made on the inhabitants of such township. All escheats and fines, forfeitures and amercements, and all moneys arising from licenses granted to hawkers and peddlers, keepers of billiard tables, retailers of liquor, and brokers, together with the special taxes aforesaid, were set apart for the school fund in the respective counties. The sixteenth section funds were ordered to be delivered by the trustees to the commissioners, and they were required to see that the sections still on hand should be leased, all of the sixteenth section funds and income being kept so that each township should receive its own, as before. The commissioners were further required to make full reports semi-annually to the secretary of state, who was made, ex-officio, general school commissioner of the

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[43] Resolutions of a meeting of the citizens of the Democratic party June 10, 1845, in Wilkinson county. See Mayes, p. 279.

[44] See Mayes, pp. 279-280.

state, and required to register such reports and to publish abstracts of them.

The act of the legislature in passing this, the first common school law in the state was enthusiastically approved by the leading people of all parts of the state. But when it was found that certain provisions of the law were of such nature as to render the plan for a state-wide common school system impotent, if not impossible, the enthusiasm of many turned to criticism and denunciation. Among the specific criticisms of the law, the following were conspicuous. It was contended that any township could nullity the law by a simple protest; that even where the township did not thus positively nullify the statute, the taxing power was made conditional on the assent, expressily given, of a majority of the heads of families, and that such assent in the majority of instances would not be given; that the statute was puzzling and ambiguous, in that it did not repeal all the previous acts on the subject of education, for it only repealed such of these as were in conflict with its provisions. In addition to these objections it was asserted by many that "the contending political parties, in their factious controversies, had sacrificed a nonpolitical and vital interest, which each professed to uphold."[45]

Although not attended with a great degree of success it would not be correct to say that this first school law was entirely without effect. Some actual good was accomplished under the law; much potential good was contained in its provisions.

When the legislature met in 1848 Governor Brown called attention to the fact that the common-school law which had been passed in the previous session had "not fulfilled the anticipations of its friends." He requested the immediate repeal of the law, and the substitution therefor of an act "more in accordance with the suggestions contained in my message at the opening of the session in 1846."[46]

Governor Brown had served in Congress two years (1839-1841) previous to his election as governor, and before the close of his second term as governor he was again elected to Congress, where he took his seat in January 1848, a few days after submitting his last message to the state legislature. The legislature of 1848 did not adopt the plan which Governor Brown had suggested in his message of 1846 and which he had urged upon that body again in his message of January 1848. The local self-government principle was deeply rooted in the minds of the legislators; it had been chiefly responsible for the proviso in the law of 1846 which exempted any township from the operation of the law if a majority of the heads of families should file a written protest with the clerk of the police board on or before March first in each year.[47] The educational statutes passed by the legislature of 1848 added to the confusion which had come as a result of the common-school law adopted by the previous session. Speaking of the legislature of 1848 Judge Mayes says:[48] "That body seems to have gone to pieces on the subject of education, and the result of their labors was no less than four distinct statutes, all approved on the 4th of March, 1848, and all devising different plans. One statute applied only to six counties; the second, to five counties; the third, to seven counties; the fourth, to seventeen. As to all other counties in the state, except the thirty-five embraced in the four statutes above mentioned, the act was left untouched."

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[45] Mayes, Hist. of Education in Miss., Ch. XV., p. 280.
[46] Message to the legislature Jan. 3, 1848.

Thus after the passage of the law of 1848 there were five distinct schemes of educational management in the State, to say nothing of the many plans worked out by the separate localities through the exercise of local taxation Decentralization with its usual concomitant, inefficient management, was thoroughly embedded in the school administration. "The educational movement of that period," says Judge Mayes, "is a curious study. The carping criticism and the general indulgence, the pessimistic forecasting and the wide-eyed faith, the short-sighted temporizing and the far-reaching prevision, all were most strikingly exhibited; but the universal innocence among both foes and friends of all just conception of the cost of the movement in dollars and cents is wonderful.''[49]

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[47] See Mayes History of Education in Miss., Ch. XV., p. 280.

[48] Ibid., Ch. XV., p. 281.

For twelve years, 1848 to 1860, the volume of special and local legislation on school matters increased steadily. ''Each succeeding legislature increased the number of special acts, thus rendering the public school system more complicated and less effective year by year. This development reached a climax in the legislature of 1859-1860, which passed no less than twenty-six different acts of this nature.''[50] As bad as this condition was, it was not hopeless, for as has been pointed out by Miss Elsie Timberlake:[51]

> "This certainly argued no lack of interest in school matters, but rather the reverse. The people of each county or group of counties seemed to think they had a plan a little better than the one adopted by the state, or that the peculiar conditions in their county demanded peculiar laws. Some counties passed laws requiring the special tax levy; others abolished the board of school directors and put the funds back into the hands of the board of police; still others appointed county superintendents and had laws similar to the present ones (1912.)"

Miss Timberlake also calls attention to the fact that considerable progress was made during the decade 1850 to 1860 in spite of the confusion which resulted from the continued decentralization of the school administration. She quotes from the United States census reports of 1850 and 1860 to show that for the state there was an increase in the number of schools, teachers, and amount expended of about thirty-three and one-third per cent in the ten years. In 1850 there were 756 teachers, 782 common schools, 18,746 pupils, and an expenditure of $254,159; in 1860 there were 1,215 teachers, 1,116 common schools, 30,970 pupils, and an expenditure of $385,677.[52]

Prior to the civil war, by the provisions of the school law of 1846, the Secretary of State was ex-officio General School Commissioner. His duties were chiefly ''to keep all statistical matters pertaining to educational conditions of the State in his office and make a semi-annual report." He had no powers of direction or control over the school officials of counties, towns, and townships. The affairs of the common schools ran on in this unorganized, clumsy, and unintelligent fashion until the beginning of the Civil War brought a temporary suspense in civil organization. "Under such management," says Mayes, "the schools drifted along to the period of the civil war, doing some good, more in some localities than in others, of course, but in all crippled, in many paralyzed, by the want of a uniform and vigorous policy."[53]

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[49] Mayes, History of Education in Miss., Ch. XV, p. 281.

[50] Riley, School History of Miss., p. 246.

[51] Publications Miss. Historical Society, Vol. XII, pp. 74-75, in an article entitled, Did the Reconstruction Regime Give Mississppi Her Public Schools?

[52] Publications Miss. Historical Society, Vol. XII, pp. 75-76. Also State Supt. Education, Joseph Bardwell, Report 1876.

Of the establishment of the State University, which occurred prior to 1860 more will be said later.[54]

Although it cannot be manitained that the reconstruction regime gave to Mississippi her system of public schools,[55] the result of the civil war had a profound significance on all future educational problems in Mississippi, as in the other Southern States. The public schools of the state prior to the civil war were open only to white children. After 1865 by the emancipation of the negro race the number of children in the state to be considered in any educational plans was more than double what it had been at the beginning of hostilities To quote from Dr. Rowland: "Having launched this race into citizenship, the Northern people and the United States government attempted to provide extraordinary facilities for its education, old and young alike. The movement began with a school at Corinth soon after the Union occupation in 1862."[56] Until after 1870, however, the negro schools in the state could not properly be referred to as a part of public education; for the schools that were organized for the negroes during the war owed their origin and existence to philanthropic acts of Northern people, entirely so until the establishment of the Freedmen's Bureau by act of Congress March 2, 1865, and partially so from that time until the negro schools were incorporated into the state system by the constitution of 1868. In his monograph on Reconstruction in Mississippi, Dr. James W. Garner has the following to say concerning these schools:[57]

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[53] Mayes, History of Education in Miss., Ch. XV., p. 282.

[54] Infra., p. 125f.

[55] See Timberlake, Vol. XII, Pub. Miss. Historical Society, pp. 72-93.

[56] Ency: Miss. History, Vol. II, p. 615.

> "With the occupation of the state by the Federal armies, the work of teaching the negroes began. The first schools established for this purpose were at Corinth shortly after the occupation of that town by the Union troops in 1862. The American Missionary Association, the Freedmen's Aid Society, and the Society of Friends had established schools about Vicksburg before the close of the war. Upon the organization of the Freedmen's Bureau, a more systematic and comprehensive plan of negro education was undertaken. Joseph Warren, chaplain of a negro regiment, was appointed superintendent of freedmen's schools for the state at large. These schools were under military supervision, and benevolent associations supplied them with books and in many cases, furnished clothing to the students."

Dr. Garner quotes from the Report of Superintendent Warren showing the number of negro schools and the enrollment on March 31, 1865 to be as follows: Vicksburg 11 schools, 22 teachers, enrollment 1854; Camps near Vicksburg, 4 schools, 9 teachers, enrollment 739; Natchez, 11 schools, 20 teachers, enrollment 1080.[58] ''The teachers,'' says Dr. Garner, ''were, for the most part, supported by the Northwest Freedmen's Commission, the Friend's Society, the United Brethren, the American Baptist Home Missionary Society, the National Freedmen's Relief Association, the American Missionary Association, and the Reformed Presbyterian Board.''[59]

The officials of the Freedmen's Bureau reported in 1867 that 450 pupils were enrolled in a negro normal school at Vicksburg, and that 1700 negro pupils were attending the common schools of Vicksburg. Their report of 1869 showed that there were 81 negro schools in the state attended by 4344 pupils, and that of the 105 teachers, 40 were colored.[60]

The legislature which met in October, 1865 was the first to deal with matters of public education after the war was over. Governor Humphreys gave his approval to the educational acts proposed in the legislature. In his address to the two houses on the first day of the session October 16, 1865 he said, "Several hundred thousand of the negro race, unfitted for political equality with the white race, have been turned loose upon society; and in the guardianship she may assume over this race, she must deal justly with them, and protect them in all their rights of person and property. The highest degree of elevation in the scale of civilization to which they are capable, morally and intellectually, must be secured to them by their education and religious training . . . . "[61] Twenty-three educational acts were passed by this session of the legislature, among them one appropriating $20,000 to the University of Mississippi, and another empowering Meridian to levy a special tax to reopen her public schools.[62]

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[57] Chapter Tenth, Educational Reconstruction, pp. 354-355.

[58] Reconstruction in Miss., p. 355.

[59] Ibid.

[60] See, Garner, Reconstruction in Miss., p. 355.

The constitution of 1832 was twice profoundly modified: First, by the Ordinance of Secession passed January 15, 1861, whereby the state undertook to secede from the Federal Union, and to become a member of the Southern Confederacy; and secondly, by the amendments of the Convention of August, 1865, by which the Ordinance of Secession was repealed, slavery abolished, and other changes of minor importance made.[63] Under the constitution as amended by the Convention of 1865 the first legislature, which met in October of the same year, had passed the twenty-three educational acts to which reference has just been made. The next step of importance in school affairs was taken when on January 17, 1867, a meeting was held of the teachers of the state for the purpose of organizing a State Association. They resolved, "that the enactment of a common-school system that shall meet the wants or necessities of the entire population is a desideratum of the utmost importance; that it is the duty as well as the interest of the State, through its legislature, to establish and maintain normal schools in different parts of the State for the purpose of educating colored teachers, so that they may be qualified to labor as teachers among the colored population of the State; that it would be for the interest of the people and the promotion of education to have a uniform system.''[64]

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[61] For a fuller quotation from the address see, Ency. Miss. History, Vol. 1, pp. 894-896.

[62] Timberlake, Pub. Miss. Historical Society, Vol. XII, p. 82.

[63] Macy, Our Government, Supplement by Edward Mayes, p. 7. Also, Federal and State Constitutions, Colonial Charters and other Organic laws of U. S., by B. P. Poor, Part II, pp. 1099-1080.

Commenting upon the resolutions adopted by the teachers Miss Timberlake says: ''These facts show that there must have been a number of teachers in the state, many of whom were of Northern birth; that the movement was one to effect uniformity of purpose in white schools and to discharge the responsibility to the negro citizen evolved out of this new relation.''[65]

The reconstruction measures precluded the possibility of the teachers carrying out their plans for an educational system. It was not to be long, however, before a system of public education was to be put in force. The third constitution of the state was adopted by vote of the people, held under act of Congress, December 1, 1869. This was the Reconstruction Constitution, the only constitution ever adopted by popular vote in the state, and the constitution under which the state was re-admitted to her representation in Congress and to her right of self government, after the civil war.[66] Inasmuch as under this constitution statutes were enacted giving to Mississippi her first unified system of education and introducing for the first time any degree of centralization of administration, it is appropriate here to examine in detail the provisions of that document dealing with the subject of education. The ten sections of Article VII are given entirely to matters pertaining to the School-Fund, Education, and Science.

There was nothing mandatory about the constitutional provision contained in the first, and repeated without change in the second constitution of the state.[67] When the reconstruction convention met it was very evident from the beginning that more definite provisions for education would be made; for beyond question "one of the schemes of the reconstructionists in Mississippi was the establishment of an elaborate system of public schools for the benefit of both races."[68] The plans for a system of public education for whites was to say the least of it well under way at the outbreak of hostilities in 1861, and there seems no doubt that had the war and reconstruction not interrupted, another decade would have found established in Mississippi a system of free public schools for the white children of the state.[69] A study of the personnel of the reconstruction convention explains the attitude of that delegation on educational interest; for many of the members were freedmen or Northern white men and were "thoroughly imbued with the idea of education for the negro race."[70] There were but few of the other members who would not give their unstinted support to measures designed to establish a system of public schools which should be for the benefit of "all children between the ages of five and twenty-one years."[71]

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[64] Mayes, History of Education in Miss., Ch. XV, p. 282.

[65] Vol. XII, Pub. Miss. Historical Society, p. 83.

[66] Vol. I, pp. 529-535, Ency. Miss. History; Macy, Our Government, Supplement by Mayes, p. 7.

[67] Constitution of 1817, Art. VI, Section 16. Constitution of 1832, Art. VII, Section 14.

Thus the Constitution of 1868, adopted in convention May 15th of that year and ratified by the people December 1, 1869, declared that "As the stability of a republican form of government depends mainly upon the intelligence and virtue of the people, it shall be the duty of the legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement, by establishing a uniform system of free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years, and shall, as soon as practicable, establish schools of higher grade."[72]

Prior to the constitution of 1868, and the laws made pursuant thereto, by provision in the school laws of 1846 the secretary of state had been ex-officio General School Commissioner.[73] The constitution of 1868 provided for a state superintendent of public education "elected at the same time and in the same manner as the governor, who shall have the qualifications of the secretary of state, and hold his office for four years, and until his successor shall be elected and qualified."[74] He was given the general supervision of the common schools and the educational interests of the state and was to perform such other duties pertaining to his office and receive such compensation as prescribed by law. He was required to report to the legislature, for its adoption, within twenty days after the opening of its first session under the new constitution, a uniform system of free public schools.[75]

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[68] Garner, Reconstruction in Miss., p. 354.

[69] For an interesting discussion on this subject, see, Article by Miss Timberlake, Vol. XII, Pub. Miss. Historical Society, pp. 72-93.

[70] Garner, Reconstruction in Miss., p. 355.

[71] Constitution of 1868, Art. VIII, Sec. 1.

[72] Constitution of 1868, Art. VIII, Sec. 1.

[73] Supra., pp. 33, 34.

The state board of education was made to consist of the secretary of state, the attorney-general, and the superintendent of public education, and their duty was declared to be "the management and investment of the school funds, under the general direction of the legislature, and to perform such other duties as may be prescrbed by law."[76] The superintendent and one other member of the board constituted a quorum.

By a special act passed in 1848 the office of county superintendent of education was created in four counties, viz., Hinds, Jefferson, Wilkinson, and Amite.[77] No general provision was made for the office of county superintendent of education until the constitution of 1868, which provided for such an officer in each county, to be appointed by the state board of education, by and with the advice and consent of the senate. The legislature, however, was vested with power to make the office of county school superintendent elective, as were other county officers. The term of office of the county superintendent was made two years, and his compensation and duties were to be prescribed by law.[78]

By the terms of the constitution, in each school district one or more public schools were to be maintained at least four months in each year, and any school-district neglecting to maintain such school or schools was to be deprived for that year of its proportion of the income of the free-school fund, and all funds arising from taxes for the support of schools.[79]

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[74] Constitution of 1868, Art. VIII, Sec. 2.
[75] Const. 1868, Art. VIII, Sec. 2.
[76] Ibid., Art. VIII, Sec. 3.
[77] Infra., p. 42.
[78] Constitution of 1868, Art. VIII, Sec. 4.

There had been up to 1868 no permanent state school fund, and no general state-wide tax had been levied for school purposes. This situation was remedied when it was provided by the constitution[80] that,

> There shall be established a common school fund, which shall consist of the proceeds of the lands now belonging to the State, heretofore granted by the United States, and all the lands known as "swamp-lands," except the swamp-lands lying and situated on Pearl River, in the counties of Hancock, Marion, Lawrence, Simpson and Copiah, and of all lands now or hereafter vested in the state by escheat or purchase or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the general laws of the state for the sale of intoxicating liquor or keeping of dram-shop, all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidation of the congressional-township fund and the lands belonging thereto, together with all moneys donated to the state for school purposes, which funds shall be securely invested in United States bonds and remain a perpetual fund, which may be increased but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

In addition to this, by Section 7 of the constitution the legislature was empowered to levy a poll tax "not to exceed two dollars a head in aid of the school fund, and for no other purpose."[81] Moreover, other aid from taxation was made available in case additional funds were necessary to support the system of free schools. Indeed the framers of the constitution sought to make the duty of providing for levying and collecting such taxes obligatory upon the legislature. Section 10 of Article VIII read: "The legislature shall from time to time, as may be necessary, provide for the levy and collection of such other taxes as may be required to properly support the system of free schools herein adopted; and all school-funds shall be divided pro rata among the children of school ages."[82] Manifestly there was no legal means by which the legislature could be compelled to comply with this mandate.

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[79] Art. VIII, Sec. 5.

[80] Art. VIII, Sec. 6.

[81] Art. VIII, Const. 1868.

The first legislature to convene under the Reconstruction Constitution met January 11, 1870. Governor Alcorn in his inaugural address had called attention to the importance of the establishment of a system of common schools for the "poor white and colored children of the state who had been permitted in the past to grow up like wild flowers."[83] Soon after the meeting of the legislature the governor followed up his inaugural by sending a special message to the lawmakers calling their attention to the provisions of the constitution which made it mandatory upon them that they pass statutes for the establishment of a uniform system of public schools.[84] On July 4, 1870, the legislature passed the school law, entitled, "An act to regulate the supervision, organization, and maintenance of a uniform system of public education for the state of Mississippi." An elaborate statute, covering with its supplements of that session over twenty printed pages, it was looked upon as entirely different from any preceding educational statutes. To show that the law of 1870 was not a complete innovation, and that it really bears marked resemblance to the old school law of 1846, Miss Timberlake gives in parallel columns the following brief comparison of the two laws:[85]

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[82] Section 8 of Article VIII makes it the duty of the legislature, as soon as practicable, to provide for an agricultural college or colleges in accordance with the act of Congress of July 2, 1865 donating land for such purpose. Section 9 declares that no religious sects shall ever control any part of the school funds of the state.

[83] Quoted by Dr. Garner, Reconstruction in Miss., p. 355, from Senate Journal, 1870, p. 51.

[84] Appendix to Senate Journal, 1870, pp. 12-20. See Garner, p. 355.

Law of 1846	*Law of* 1870.
This law provided for:	This law provided for:
1. A General School Commissioner whose duties shall be to keep all statistical matters pertaining to educational conditions of the state in his office and make a semi-annual report of this.	1. A State Superintendent of Education whose duties shall be to keep reports from various counties, make an annual report to the legislature, and have general supervision of all school interests of the state.
2. County superintendents who shall have the general supervision of the county schools and render an annual report to the General Commissioner. (Note: this was a special act passed in 1848, and applied only to Hinds Tunica, Jefferson, Wilkinson, and Amite counties.)	2. County superintendents, who shall have general supervision of county schools, make an annual report embracing certain information required by the State Superintendent regarding the number of educable children, the amount of school fund, etc.
3. County school commissioners, five in each county, appointed by the Board of Police. They were to serve for one year, to hold quarterly meetings, elect a president and a secretary, adopt by-laws, decide what schools should be termed county schools, issue licenses, employ teachers, etc.	3. Boards of school directors, consisting of six members. These were appointed by the Board of Supervisors and each held office for six years. The county superintendent was ex-officio president of the board and the clerk of the Circuit Court was an ex-officio secretary. They were to meet quarterly; to make all needful by-laws; to divide school districts into subdivisions where necessary; to secure school grounds, establish graded schools, etc.
4. A Board of Police to levy a special school tax, not more than one-fourth of the state tax, provided the majority of the heads of families gave their consent in writing.	4. A Board of Supervisors to levy a special tax as estimated by the County School Board, provided it was not more than fifteen mills.
5. Funds arising from sale or lease of sixteenth sections to be placed in the hands of Commissioners for school purposes.	5. Management of sixteenth section land by County Board and the appropriation of proceeds to school purposes.
6. All escheats, fines, forfeitures, and all monies arising from licenses for the sale of spiritous liquors, or for licenses granted to peddlers, hawkers, brokers, etc., to be set apart for school purposes.	6. All fines, forfeitures, and monies for licenses, as well as gifts for school purposes to be placed in the hands of the State Board.

By setting down more fully the substance of the law of

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[85] Vol. XII, Pub. Miss. Historical Society, p. 85, Quoting laws of 1846, and laws of 1870, Ch. 1.

1870 and referring back[86] to the main provisions of the law of 1846 the resemblance and dissimilarities of the two statutes stand out more clearly. The main points of the law of 1870 have been summarized by Mayes,[87] as follows:

> "Each county in the state was constituted a school district, and so was each incorporated city containing more than 5,000 inhabitants. Free public schools were ordered to be maintained in each district for a period of four months or more in each year, affording suitable facilities to every resident youth between the ages of 5 and 21 years. The state board of education provided for by the constitution was given the general management of the common school fund, including all donations and appropriations thereto, was required to appoint for each county a suitable county superintendent, and was given the power to remove such superintendent for incompetency, misfeasance, or non-misfeasance, and authorized to fill vacancies. The state superintendent was made the presiding officer of the state board; was given the general supervision of all public schols, with the power of visitation; was authorized to prescribe rules for the organization and conducting of the schools and to decide all controversies about school management; was required to provide for the holding of annual teachers' institutes in each congressional district and to make full reports to each legislature. The county superintendents were given general supervision of the schools of the county and required to visit them at least once in each term; were authorized to examine the applicants for employment as teachers and to grant certificates according to their grade of scholarship to be good for not more than one year; were required to perform such other duties as the state superintendent or the state board might designate. In each school district a board of school directors was provided for, to which was committed the general management. The various boards of supervisors were required to levy annual taxes to meet the estimated expenses, which were to be collected by the county tax collector, provided that the schoolhouse tax should not exceed 10 mills on the dollar nor the teachers' tax exceed 5. The various county treasurers were made the custodians of the school funds and required to disburse them only on warrants of the presidents of the school directors."

In the Revised Code of Mississippi adopted by the legislature January 1871 the educational statutes of 1870 were, with only a few minor changes, reenacted. For a little over two years[88] the statutes of 1871 remained the basis of the educational system of the state. A detailed examination of the statutes will show to what extent the constitutional mandate was carried out by the legislative department.

Free public schools were to be maintained, at least one in each school district for a period of four months or more in the year and every school was to be open to all children between the ages of five and twenty-one years residing in the district.[89] One of the provisions of the statutes, as would be expected, which caused much opposition to the school law, only because, however, the meaning of the statute was not correctly interpreted in many sections of the state, was that provision of the law which declared, ''All the children of this state, betwen the ages of five and twenty-one years, shall have, in all respects, equal advantages in the public schools.''[90] ''All children'' of course meant those of both races; to have in all respects ''equal'' advantages did not, however, mean identical advantages, or rather that there should not be separate schools for the races.

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[86] For substance of the Law of 1846, see supra., pp. 33-34.

[87] History of Education in Miss., p. 283.

[88] Until the act of April 17, 1873, see infra, p. 56.

The constitutional provision for school districts was carried out by constituting every county in the state a school district. It was provided, however, that any incorporated city containing more than three thousand inhabitants was to constitute a separate school district.[91] The school directors of the districts were charged with the duty of establishing ''as many schools in any sub-district as was necessary for the education of all the children of school age.''[92]

By provision of the constitution[93] the state board of education was given under the general direction of the legislature, the management and investment of the school funds, but beyond this the duties of the board were to be prescribed by the legislature. By the statutes of 1871 the board was given this power, with the proviso that the Chickasaw school funds and the sixteenth section founds should not be under the management of the board as were all other school funds.[94] The statutes empowered the board of education to bring and maintain suits for the recovery of money, land or property held in trust by the state or designated and set apart for the common school fund, and the expenses of such suits were made payable by the state treasurer upon the warrant of the auditor and certificate of the board of education.[95] An annual report was to be submitted by the board of education which should embrace: First, the number of acres of land belonging to the state, designated and set apart for educational purposes, and the estimate value of such lands; second, the number of acres sold, rented or disposed of; third, the aggregate amount of proceeds arising from the rental and sale of school lands, the amount of money collected from fines, licenses, exemptions from military duty, and donations of money or other personal property made to the common school fund; fourth, the aggregate amount of the common school fund, the amount invested in United States bonds, and the amount of interest arising from such investments; fifth, the amount appropriated for the support of free schools, and appropriated to the several districts of the state; sixth, plans and suggestions for the improvement in methods of raising school revenues, and management of the common school fund. In addition to these specific requirements as to the content of the annual report the board of education was called upon to include in the reports "such other matters, pertaining to the interest and advancement of public instruction in this state, as they may deem expedient to communicate." The report of the board of education was referred to the superintendent of public education and incorporated in his annual report to the legislature. The board was to hold annual meetings at the capitol. It was required of each member of the board before entering upon the duties of office that he give bond "in the penal sum of twenty thousand dollars, conditioned as the bonds of other state officers."[96]

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[89] Art. 1, Sec. 1992, Revised Code, 1871.
[90] Ch. 39, Art. 1, Sec. 1994, Revised Code of 1871.
[91] Chapter 39, Art. II, Sec. 1994, Revised Code of 1871.
[92] Ibid., Sec. 1995.
[93] Art. VIII, Sec. 3, Const. of 1868.
[94] Art. III, Sec. 1996, Revised Code of 1871.

As has been noted,[97] the state superintendent of education was given by the constitution the general supervision of the common schools and the educational interests of the state. His other duties were to be prescribed by statute. The first state superintendent of education elected in Mississippi was given reasonably broad statutory powers. He was given authority to prescribe such rules and regulations as he deemed necessary for the efficient organization and management of the schools. It was demanded of him that he make such annual visits to the schools in each congressional district as the board of education thought necessary. It was his duty to provide for the holding of a teachers' institute once a year in each congressional district. He was to decide all disputes or controversies pertaining to school management, solicit reports from all educational institutions of the state, and submit an annual report to the legislature.[98] The state superintendent was made the presiding officer at all meetings of the board of education.[99] He was to "prepare, and cause to be printed in pamphlet form, with a proper index, as many copies of the school laws in force * * * * with the necessary forms, regulations and instructions for conducting all proceedings under said laws annexed thereto, as he may deem advisable, and transmit the same to the county superintendent and other school officers, entrusted with the executions of said laws."[100] The state superintendent was allowed to appoint a clerk, who should in addition to his duties as clerk to the state superintendent be secretary to the board of education.[101] Section 2005 of Article IV[102] declared "that the state superintendent of education shall not act as agent for any author, publisher or bookseller, nor directly or indirectly receive any gift, emolument or reward, for his influence in recommending or procuring the use of any books, school apparatus or furniture, of any kind whatever, in any of the public schools of this state." Removal from office and forfeiture of all money due him from the state was fixed as the penalty for the violation of this provision of the statute.

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[95] Art. III, Sec. 1996, Revised Code of 1871.
[96] Revised Code of 1871, Art. III, Sec. 1998.
[97] Supra, p. 39, Art. VIII, Sec. 2, Const. of 1868.

The office of county superintendent of education was an important feature of the school law of 1870, and of the law as reenacted in the revised code of 1871. The county had been made the district; the district was to be the chief administrative unit of the school system; the county superintendent was to be the chief administrative officer in each county, or district, except the municipalities which had been created separate districts. In establishing for the first time the office of county superintendent for all the counties in the state the statute[103] reads as follows: "The county superintendent shall have the general supervision of the schools of the county; he shall visit them at least once in each term; he shall examine the candidates for teaching, and shall give them certificates, which shall be sufficient for any part of the county; and no person shall be employed as teacher in any public school unless he or she shall have obtained a certificate from the county superintendent of good moral character, and that he or she is qualified to teach the following branches: reading, writing, arithmetic, English grammar and geography, and the county superintendent shall certify, upon such examination, what other branches the candidates are qualified to teach; and no teacher shall be allowed to teach, in any public school, any branch not named in such certificates; no certificate shall be valid for a longer period than twelve months, and the county superintendent shall have power to annul certificates of such teachers as may prove in any respect unworthy."

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[98] Revised Code of 1871, Art. VI, Sec. 1999.
[99] Ibid., Sec. 2000.
[100] Revised Code of 1871, Art. IV, Sec. 2002.
[101] Ibid., 2003.
[102] Code of 1871.

In order to carry out the constitutional requirements that all school funds should be divided pro rata among the children of school ages[104] it was required by act of the legislature that the assessors in the different counties, at the time of assessing state tax, triennially to make an accurate enumeration of all the youths of their counties betwen the ages of five and twenty-one years, designating the numbers in each sub-district in the county.[105] The assessor was required to make out duplicate lists of the enumeration and deliver one of them to the county superintendent, and the other to the county treasurer. The assessor was also required to perform such other duties as the state superintendent, or the board of education, should designate.[106]

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[103] Art. V, Sec. 2006, Revised Code of 1871.

[104] Supra., p. 41, Art. VIII. Sec. 10, Const. of 1868.

[105] Art. V, Sec. 2007, Revised Code of 1871.

[106] Ibid.

The county superintendents were required to make annual reports to the state superintendent, which reports should embrace such information as designated by the state superintendent. Annually also every county superintendent, under the law, was to forward to the auditor of public accounts, for educational purposes, an enumeration of the educable children of the county.[107] Moreover Section 2009 of Article V of the revised code specified that "the county superintendent of education, shall, as soon as practicable, prepare and forward a report to the board of education, giving a full description and condition of the school lands located in his county; also, the amount and condition of all school funds, belonging to the county or district, of whatever kind or nature." The same restriction was placed upon the county superintendent as upon the state superintendent in regard to acting as agent for or receiving rewards for his influence in recommending or procuring the use of books, school apparatus, or other school equipment.[108]

In the administration of affairs of the school districts the boards of school directors played an important part. In providing for these boards the legislature did not act upon any specifiic constitutional requirement; any one of many other plans for a directing agency for the several districts might have been adopted. Under the statute as adopted a board of school directors consisting of six persons, appointed by the board of county supervisors, or the city council of any incorporated city of more than three thousand inhabitants, was to be provided in each of the school districts. The directors were to serve three years, two going out of office each year. They were to be appointed, as far as practicable, from the supervisors' districts of the county, and the wards of the city.[109] The county superintendent of education was designated as president of the board or boards. He voted only in case of a tie. The clerk of the circuit court was made the secretary of the city board.[110] The board of school directors was constituted a body corporate and politic in law with power to sue and be sued, and perform all other corporate acts necessary in law.[111]

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[107] Art. V, Sec. 2008, Revised Code of 1871.
[108] Art. V, Sec. 2010, Revised Code of 1871.
[109] Revised Code of 1871, Ch. 39, Art. VI, Sec. 2011.
[110] Ibid., Sec. 2012.

The administrative powers and duties of the boards of school directors were as follows:[112]

First—To make such needful rules, by-laws and regulations, as they deemed necessary to aid in performing the duties of their offices, as well as to carry out the requirements of the law, "not inconsistent with the constitution of the United States, or the constitution and laws of the state of Mississippi."

Second—To divide the school district into sub-school districts, for the accommodation of the children of school age; to alter and change the districts to suit the convenience of the people; all sub-districts to be numbered one, two three, etc.

Third—To procure grounds, and procure or construct suitable buildings for opening schools.

Fourth—To employ teachers, and to perform such other duties as necessary and requisite to put the schools into operation.

Fifth—To establish union schools wherever they deemed it necessary.

Sixth—To select text books, regarding which the law reads: "The board of school directors of each school district shall prescribe a uniform series of text books, to be used in the schools throughout the district; provided, said books shall be furnished at no more than actual cost; a price list shall be kept in the office of the county superintendent, and in each school building, and be published in the newspapers of the county: provided further, that nothing in this section shall be so construed as to prevent parents, guardians or pupils, from purchasing their supply of text books, of the prescribed series, from any other source."[113]

Seventh—All members of boards of school directors were prohibited from acting in the capacity of agent for any author, publisher or bookseller, or from receiving any emolument for his influence in recommending the use of the books and school apparatus.

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[111] Revised Code of 1871, Ch. 39, Art. VI, Sec. 2013.

[112] Ibid., Sec. 2014.

[113] See Sec. 2013 of Art. VI. of the law.

Eight—To make annual reports to the board of county supervisors, and the city council, respectively, containing an estimate of the costs of school sites, construction and rental of such number of suitable school buildings, as necessary to afford school facilities for each and every sub-school district, in the county or city; to also make an estimate of the necessary contingent expenses, such as repairs, necessary school appartus, and any deficit in the teachers' fund.

In addition to the powers and duties of the school directors just enumerated they had important duties to perform in connection with the selling and leasing of school lands. The school directors of each district were authorized to ascertain the will of the qualified electors of any township in the county, to which belonged any lands which had been granted and "especially reserved and appropriated for the use of schools," as to whether or not such lands should be sold. The school directors in order to ascertain the will of the qualified electors were empowered to order an election in the township. In such elections it was required that the board of school directors give at least thirty days notice, stating the object of the election and the time and place where it would be held. Due notice was to be given of all such elections. When the result of an election showed that a majority of those voting favored the selling of the school lands it became the duty of the school directors to sell at public auction, "at the court house door," or have sold by an auctioneer employed by them at their expense, to the highest bidder, in quantities of not more than eighty acres.[114] The board of school directors was required to notify the county board of supervisors of any order of sale of school land. Thereupon the board of supervisors was called upon to appoint "three intelligent freeholders of the township, to which such lands belong, who are in no way interested in the sale of said lands, as a board of appraisers; and the board thus appointed shall take an oath, or affidavit, to faithfully perform the duties of their office; and said board of appraisers shall submit a report to the board of supervisors, and to the board of school directors, of their appraisement of said school lands.''[115] A due amount of publicity was required to be given of all sales of school lands.[116] The lands were in no case to be sold for less than the minimum fixed by the board of appraisers.[117]

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[114] Revised Code of 1871, Ch. 39, Art. VII, Sec. 2015.

In case a majority of the qualified voters of the township were against the sale of the lands it was the duty of the school directors to ''secure said lands from injury or waste, and exercise every reasonable precaution to prevent illegal possession or tresspass of any kind.''[118] The school directors were authorized to lease the lands in quantities not less than five acres for a term not exceeding five years. No leases were to be made without due notice being given, and it was required that the land be leased to the highest bidder. As in the case of the sale of land, a minimum price for the lease of the land was set by appraisers.[119]

The law required that all teachers in the public schools of the state should hold valid certificates granted by the county superintendent of the county in which the school was located; that contracts between teachers and directors should be made in writing and filed in the office of the county superintendent; and that twenty days should constitute a school month. The law fixed the salaries of teachers according to the grade teachers' certificate held. On this point the law reads: ''All teachers in the public schools of this state shall be entitled to receive, for their services, the following compensation, to-wit: those who may hold first class certificates, shall receive ninety dollars per month; those who may hold second-class certificates, shall receive seventy dollars per month; those who may hold third-class certificates, shall receive fifty dollars per month: provided, that any teachers, who may hold a first or second-class certificate, and who may be employed to teach a school below the grade of her certificate, shall only be entitled to the compensation provided by law for the teachers of such schools; but nothing herein contained shall prevent the employment of competent teachers for a less salary, when the board of directors can do so, without prejudice to the school or schools to be taught.''[120]

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[115] Revised Code of 1871, Ch. 39, Art. VII, Sec. 2016.

[116] Ibid., Sec. 2017.

[117] Ibid., Sec. 2018.

[118] Ibid., Sec. 2020.

[119] Ibid., Sec. 2021.

The law required that one teachers' institute, of at least two weeks, be held annually in each congressional district at such time and place as the state superintendent might designate. The state superintendent was given general supervision and management of the institutes, but, said the law, ''the inner working power shall be in the hands of an experienced educator and assistant, who are skilled in this work, to be employed by the state superintendent, and paid such salaries as the board of education may determine.'' Provision was made for the continuation of the salaries of teachers in regular attendance upon the institute.[121]

In handling the school funds the county treasurer, and the city treasurer of the incorporated cities of more than three thousand inhabitants, served as a part of the administrative machinery of school systems. They were the fiscal agents of the several school districts, and sub-districts. They were required to give an additional bond of not less than five thousand dollars for the faithful performance of their duties under the school law. All money on account of the school fund of the county or city was received by the county or city treasurer, respectively, who was authorized to pay out such money on warrants signed by the president of the board of directors, and countersigned by the secretary: provided, such warrants were issued by order of the board. In regard to the further duties and privileges of the county and the city treasurer as fiscal agent of the board of school directors the law specified as follows: that he should keep a correct account of all expenses and receipts, in books provided for that purpose, which were to always be open for inspection; that he should render a quarterly report to the board of school directors, who were in turn required to examine the accounts from time to time and make settlement with the treasurer; that he should make an annual report to the state board of education, and should be allowed two per centum for all money disbursed by him, to be deducted from such money, and this amount was compensation in full for receiving and disbursing school money.[122] In regulating the methods to be used by the county and the city treasurer in keeping the school-fund accounts the law established four distinct educational funds. It was required that the treasurers "keep a separate account with each sub-school district, and with each class of school funds" as follows: first, the "school house fund" consisting of all money collected by sub-district tax for school house purposes and contingent expenses; second, the "teachers' fund" consisting of all money collected or received from the salaries of teachers, and there was the additional requirement here that separate accounts be kept of teachers' funds received from the state and those funds raised by the county or city, and that, furthermore, all taxes levied for school house funds, or teachers' funds, should be payable only in currency, state certificates, or school warrants; third, the "school land fund" consisting of all funds arising from the rental or sale of the school land sections; and fourth, the" state school fund" consisting of money arising from fines, licenses for sale of intoxicating liquors, and keeping dram shops, and exemptions from military service. The treasurer was to "require all orders upon him for the payment of school moneys, to specify the fund on which it was drawn, and the specific use to which it is applied; and in case there are not sufficient funds in his hands to pay the warrants drawn on the fund specified, he may make partial payment thereon, paying, as near as may be, an equal proportion of each warrant."[123]

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[120] Revised Code of 1871, Ch. 39, Art. VIII, Sec. 2022.
[121] Revised Code of 1871, Ch. 39, Art. IX, Sec. 2023.

By section 2026 of Article X of the law it became the duty of the county or city treasurers to make quarterly reports to the auditor of public accounts, and to pay over to the state treasurer all money received by him, which by law accrues to the state school fund. By section 2027 of Article X the treasurers were required to furnish to the school directors annual reports of the school finances of the county or city, and to render such reports and statements, from time to time, as might be required by law. Section six, article eight, of the constitution[124] was incorporated into the statutes when it was provided that the state treasurer should under the direction of the board of education, invest the "common school fund," as provided by the constitution.[125]

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[122] Revised Code of 1871, Ch. 39, Art. X, Sec. 2024.

[123] Revised Code of 1871, Ch. 39, Art. X, Sec. 2025.

The clerk of the circuit court for each county was made secretary of the city board.[126] The secretary was called upon to keep a full and correct record of all the matters coming before the board, and of all accounts allowed. As compensation for services as clerk of the county or city school board the circuit court clerk, respectively, received three dollars a day while actually engaged in official duties for the school board.[127]

The history of education in Mississippi for the five-year period 1871-1876 reveals many inconsistencies in policy and in practice. It was a period of political unrest and transition, a natural condition attending the reconstruction regime in the state. Speaking of the system of education adopted in 1870, and reenacted in the revised code of 1871 Judge Mayes said:[128] "At first there was much opposition to the system. The opposition was not to the education of the negro * * * * It was to the means and the people by which that education was undertaken." The same writer calls attention to the fact that even that opposition soon passed away, and he quotes from the report made by the State superintendent of education to the legislature in 1872 in which a reference is made to "a most marvelous revolution in public sentiment favorable to popular education during the past year."[129]

The chief objection to the system adopted in 1870 was that the expense was too heavy in view of the fact that the people were burdened with the losses and expenses of the war, and it was contended that this was especially true inasmuch as a substantial part of the additional expense of the school system was for the purpose of educating the former slaves of the people who had to bear the burden through additional taxes. But on this point Dr. Garner says:[130] "It does not appear, however, that there was any opposition by the more intelligent whites to an economical scheme of negro education, for they clearly foresaw that the higher interests of society required that freedmen should receive at least the rudiments of an education." The administration of the system was unreasonably expensive. Salaried boards of directors and paid secretaries did the work that the county superintendent of education might well have done. In 1874 the total compensation to school directors amounted to $70,000.[131] Teachers' salaries were unduly increased in many sections of the state, and other administrative expenses became unnecessarily burdensome. Besides the objections based upon the expense of the system, the provisions of the law interfered with the practice of local selection of officers, first in the case of the school directors; for the former, "who were to be paid from the local treasuries,"[132] were appointed by the state board of education, and the latter, "who estimated the school taxes,"[133] were appointed by the boards of supervisors, "who were themselves appointees of General Ames as military governor."[134] Afterwards, the general election of 1871 for county and local officers quieted this objection as to the selection of school directors. "Thus it happened," says Dr. Garner, "that the entire management of the schools, from the assessment of the taxes to the employment of the teachers, was in the control of the non-tax-paying class. These officials, some of whom were familiar with the excellent systems of public education in the old states, from which they came, sought to create a similar system in the South, without, apparently, taking into consideration the general impoverishment of the people and the traditional opposition to schools maintained in the state. Contributing little themselves to the public burdens, they were often unable to appreciate the real situation of those who did. They proceeded on a scale which would not have been considered burdensome in one of the Northern states, but it was unduly expensive for a Southern state in 1870.''[135]

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[124] Supra., p. 40.
[125] Revised Code of 1871, Ch. 39, Art. X, Sec. 2028.
[126] Ibid., Art. XI, Sec. 2029.
[127] Revised Code of 1871, Ch. 39, Art. XI, Sec. 2030.
[128] History of Education in Miss., p. 283.
[129] Ibid., pp. 283-284; ref. to Senate Journal 1872, Appendix, p. 181.

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[130] Reconstruction in Miss, p. 356.
[131] Garner, Reconstruction in Miss., p. 537, footnote 2.
[132] Ibid., p. 357.
[133] Ibid.
[134] Ibid.

Besides the state university[136] which since its opening in 1848 has existed exclusively for whites there had been established during the reconstruction period means of higher education for negroes. By 1876 the movement in this direction had become securely intrenched in the system of public education. Tougaloo University[137] founded in 1869 by the American Missionary Association, was incorporated by the legislature in 1871. In 1872 the Normal department of Tougaloo University became the State Normal School. Shaw University[138] which had been located at Holly Springs by the Methodist Conference was incorporated by the state legislature in 1870, and in the same year the Normal department was transferred to the state for use as a State Normal college. In 1872 Alcorn University, named in honor of Governor Alcorn, was established by the legislature. The name of the institution was changed in 1878 to the Alcorn Agricultural and Mechanical College of the State of Mississippi.[139]

On April 17, 1873 the legislature passed an act which made some very important changes in the system which had been in operation since October 1870. ''The boards of school directors were abolished and their duties parceled out between the boards of supervisors and the county superintendents. The patrons of schools were empowered to elect school trustees, who were to serve without salary, were to select teachers, to exercise visitorial powers over the schools, and care for their comfort and welfare. County superintendents were given salaries . The subdistrict system was abolished. The practice of collecting taxes and other moneys destined for the common-school fund in State warrants(which led to the very awkward result that the school funds were very largely absorbed in payment of the general debts of the state) were discontinued and such collections required to be made in currency. A general and uniform State tax of 4 mills on the dollar, in addition to the other taxes, etc., was levied for school purposes, the proceeds of which the auditor was required to distribute among the counties according to the proportion of educable children. All schools were divided into two grades. In those of the first, orthography, reading, penmanship, arithmetic, grammar, geography, history the United States. and composition were the prescribed studies, and the teachers' salaries were fixed at from $60 to $75. In those of the second were prescribed orthography, reading, penmanship, and the rudiments of arithmetic, grammar, and geography, the teachers' salaries being fixed at from $35 to $60.''[140]

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[135] Reconstruction in Miss., pp. 357-358. See footnotes, p. 358 for figures showing expenses.

[136] Infra., p. 125 f.

[137] See Mayes Hist. Education In Miss., pp. 259-266.

[138] See Mayes Hist. Education In Miss., pp. 266-270.

[139] Ibid., pp. 270-277.

In his inaugral address in 1874 Governor Ames recommended "a careful inquiry as to the expense as well as other considerations which may attend a compulsory system of free common school education, having in view early legislative action. [141] In his message to the legislature in 1875 he said: "I renew my recommendation made last year, in favor of compulsory education. It is the surest and safest avenue of escape from embarrassment of every kind which may surround us. Such laws have been in operation in other states, with great advantage and can be copied by us with like results.''[142] Again, in his message of January 4, 1876, Governor Ames spoke of the public school problem as follows:[143]

> "Neither argument nor statistics are necessary to make known the great extent of illiteracy which exists in the State. It is as much the duty of the state, as it would be to its advantage, to effect a speedy change in this particular. Much has been done already, but the State is more capable at this time, since the amendment of the Constitution, to extend its aid and fostering care. By that amendment, moneys which would otherwise have been locked up as a perpetual fund, can now be applied to educational purposes, year by year, as they are received. This will permit of the building of additional school houses,

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[140] Mayes, History of Education in Miss., p. 184.

[141] Senate Journal 1874, p. 26.

[142] Senate Journal 1875, p. 8.

[143] Senate Journal 1876, pp. 14-15.

> the employment of the best class of teachers, and the extension of the periods of instruction.
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> The prosperous condition of the finances of the State is such that, with the slightest effort, school facilities can be extended to every child. But, unfortunately, ignorance, with its lack of appreciation, too often refuses to take advantage of the educational opportunities which are presented. To overcome this obstacle, laws should be enacted and enforced requiring the attendance of every child for a limited period of time each year. Money and labor can never be more beneficially expended in the interests of education than now."

The election campaign of 1875 was the signal for the beginning of a political revolt in the state.[144] Since 1868 the Democrats had been unable to cope with the Republicans. But after the election of 1875 the reconstructionists were no longer able to dominate the politics of the state. As to the status of public education at the close of the reconstruction period it is interesting to note the conclusion of Dr. Garner who says in his chapter on Educational Reconstruction:[145] "When the reconstructionists surrendered the government to the democracy, in 1876, the public school system which they had fathered had become firmly established, its efficiency increased, and its administration made somewhat less expensive than at first. There does not seem to have been any disposition upon the part of the Democrats to abolish it or impair its efficiency. On the other hand, they kept their promise to the negroes, made provision for continuing the system, and guaranteed an annual five months' term instead of four, as formerly. Moreover, the cost of maintaining the schools was very largely reduced, and the administration decentralized and democratized, thereby removing what had been a strong obstacle to peace and good order. And thus the system of public education, unpopular at first, on account of the circumstances surrounding its establishment, has grown in favor with the people, until today it is the chief means of solving the great problem which the Civil War left as a legacy to the white race."

The greatest changes made in the school law by the legislature of 1876 were designed to bring about a more economical administration of public education. This, for example, is shown by the statute passed by the legislature cutting in half the Teachers' fund tax. In 1878 a general common school law was passed, but, in general, the administrative organization of the existing school system was retained.

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[144] The administration of public education under the carpet-bag government had been particularly odious to the people of the state. The appointment of the negro Cardoza as state superintendent of education intensified the feeling against the reconstructionists.

[145] Reconstruction in Mississippi, pp. 370-371.

Throughout his administration Governor Stone was an enthusiastic advocate of a vigorous system of public education. In his message to the legislature January 8, 1878 he referred to the great interest in the cause of education manifested by every class of people in the state. Although the system of public schools was, he said, in a trial state, in his opinion the people were to be congratulated that so much had been done and "that the future promises so much." "In no section," said the Governor, "is there any opposition to the education by the State of the youth of both races, and within a few years, we may confidently expect to see securely established a system which will place the free schools of Mississippi in the front rank with those of the older states of the Union."[146] In his message of 1878 Governor Stone repeated what had been said in his message the year before, i. e., "that every effort calculated to improve the means and opportunities of education, shall receive from me most cheerful encouragement and substantial support."[147] In 1880 he said to the legislature: "I am gratified to be able to state to you that our system of Public Education continues to meet with the approval of the great mass of the people. A lively interest is manifested in the cause of education, and there is a general disposition to maintain and improve the public schools. I commend the system to your fostering care, and it will afford me pleasure to co-operate with you in all proper measures for its advancement." [148] In 1882 Governor Stone reported "a slow, but steady improvement in our system of Public Education." He called attention to the fact that the report of the State Superintendent for 1880 showed 5,569 teachers employed, and 263,704 children in the public schools during that year, which was an increase of about 200 teachers and 20,000 children in school over the preceding year. In this same message he said: "While the people of the state are taxed heavily for public education, and have a right to expect good returns but few of our public schools are what they should be. This is due in great measure to the indifference of the parents of those children most in need of the benefits intended to be conferred by a system of free public schools; but as the country develops, and society improves, thse parents must necessarily keep pace with the progress of the times, and I trust that in a short time the schools in the rural districts throughout the State will be as well attended as those in the towns and villages. I earnestly wish that some means may be devised to popularize the cause of education among the illiterate class of our people. The State imposes heavy burdens upon its citizens for educational purposes, and the facilities thus afforded should be turned to the best account."[149]

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[146] Senate Journal, 1878, p. 21.
[147] Ibid.
[148] Senate Journal, 1880, p. 26.

The decade 1876-1886 was one in which few radical changes were made in the system of public education. Speaking of the period beginning with the overthrow of the "carpet bag" government in the state, 1876, Dr. Rowland says:[150] "The common school system remained for a long time hardly more than a system. The pressing problem for twenty years after the close of the war was the question of bread and meat, and next was the problem of the two races. Of late a great prosperity has dawned upon the State, and vastly more than ever before its resources are being utilized in such a manner that the profits inure to the benefits of the inhabitants generally. But the problem of two races remained very troublesome because the former indifference toward adequate public provision for common education was reflected in the public attitude on the subject of negro education; also very troublesome and burdensome because schoolhouses, teachers, and every expense of education, must be duplicated; also because 'the problem of raising and distributing the school revenues rendered complex by reason of the uneven distribution of the races—the negro population being densely aggregate in the rich counties.' In 1882 the legislature created a fund for the building of school houses, to be distributed when it reached $15,000. This was increased in 1888 by the appropriation thereto of the receipts from the two and three per cent funds, donated by the United States, which gave about $80,000 for school-house building. This led to the erection of about 500 new school-houses. Some counties wilfully misappropriated the money. Monroe added to her share and built 41 houses.'' One change of administrative policy, however, during this period was of great importance, and that was with regard to the powers and duties of the county superintendent. ''Here,'' says Superintendent Preston, ''we struck a great blow to the progress of public education. The state was yearly spending three-quarters of a million dollars, with no agents to see how it was spent, or whether the children were receiving an education.''[151] Many criticisms of the school system occurred during the decade 1876-1886 and the greater number of these were directed at the methods of handling the school finances and at the incompetence of the teachers. Speaking of the enormous amount of money that had been expended by the State for free schools during this period Superintendent Preston said,[152] ''It must be conceded by any fair minded man that it has been largely squandered, producing inadequate results, doled out month by month to indigent and incompetent school teachers who were placed in charge of the most sacred interests of the commonwealth, in many instances without even the semblance of a test as to their capacity and fitness.''

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[149] Senate Journal, 1882, pp. 21-22. For Governor Stone's later work for the cause of education, see pp. 743-746, Stone's Administration (1890-1896), Ency. Miss. History, Vol. II, Rowland.

[150] Ency. Miss. Hits., Vol. II, pp. 618-619.

Although provision had been made prior to this period for the training of negro teachers nothing had been done for the training of teachers for the white schools. The teachers' examinations were given merely as a matter of form. In his report in 1895 Superintendent Preston summarizes the situation as it existed up to the passage of the school law of 1886. He says:[153] "For the first fifteen years—from 1870 to 1885—the public schools, like a transplanted tree, manifested a low degree of vitality. The idea of popular education was combated openly and covertly, but it won its way steadily and gained vital force year by year. This increased strength was not manifested to any great degree in the quality of schools. It showed itself rather in the assaults made on the schools because of their inefficiency, and in the annual changes in the law which prevented organic growth. The schools were kept pretty much without plan. What one legislature enacted the next modified or repealed. A crisis was reached in 1886, and the legislature of that year made a complete revision of the school law." In the revision of the school law made in 1886 the most prominent new features were as follows: Uniform school examinations; a new system of school districts; institutes for teachers; visitation of the schools by the county superintendent; requiring the superintendent to fix salaries according to the size of the school, the grade of license held and the executive and teaching capacity of the teachers; granting to smaller towns the privilege of becoming separate school districts and of levying a tax or issuing bonds to build schoolhouses; provisions for the payment of teachers' salaries.[154] After the passage of the law of 1886 it was necessary for teachers to be better qualified in order to pass the examination for teachers' license. Up until this time too the teachers were handicapped by having their salaries discounted, a thing which was no longer necessary after 1887; for prior to that time the schools had been run on the credit system, the taxes being collected at the end of the year. After 1887 the schools were run on a cash basis.

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[151] Ency. Miss. Hist. Vol. II, p. 619.
[152] Ibid. J. R. Preston, Superintendent Public Education, 1886-1896.

The present constitution of Mississippi, the fourth which the state has had, was adopted in convention, November 1, 1890. As in the preceding constitution, it was made the duty of the legislature to provide, by establishing a uniform system of public schools, for the education of all children between the ages of five and twenty-one years.[155] Section 202 of Article 8 of the Constitution of 1890 provides for a state superintendent of public education, as was done by Section 2 of Article VIII of the Constitution of 1869. The provision for the state board of education was left unchanged by the constitution of 1890.[156] Likewise provision for the office of county superintendent of education remained the same as in the former constitution.[157] The minimum requirement of four months for a public school in each school district was retained.[158] The common-school fund was provided for in Section 206, Article 8 of the new constitution.[159] The Constitution of 1869 was silent on the question of separate schools for the white and the black races. The new constitution provided that "Separate schools shall be maintained for children of the white and colored races.[160] It was made unconstitutional for any part of the school funds to be appropriated for the support of sectarian schools of any kind.[161] Section 209 of the 1890 Constitution makes it the duty of the legislature to provide by law for the support of institutions for the education of the deaf, dumb and blind.[162] In establishing the first school system in 1870 the legislature made it unlawful for any school officer to be interested in the sale, proceeds, or profits of books, apparatus, and furniture to be used in any public school in the state. This statute law was adopted as a part of the constitution of 1890.[163] The first constitution of the state, 1817, had provided "That the general assembly shall take measures to preserve from unnecessary waste or damage such lands as are or may hereafter be granted by the United States for the use of schools, within each township in this State, and apply the funds which may be raised from such lands, by rent or lease, in strict conformity to the object of such grant; but no lands granted for the use of such township schools shall ever be sold by any authority in this State.''[164] The constitution of 1890 says on this point:[165] ''The legislature shall enact such laws as may be necessary to ascertain the true condition of the title to the sixteenth section lands in this state, or land granted in lieu thereof, in the Choctaw purchase, and shall provide that the sixteenth section lands reserved for the support of township schools shall not be sold, nor shall they be leased for a longer term than ten years for a gross sum; but the legislature may provide for the lease of any of said lands for a term not exceeding twenty-five years for a ground rental, payable annually; and, in case of uncleared lands, may lease them for such short term as may be deemed proper in consideration of the improvement thereof, with right thereafter to lease for a term or to hold on payment of ground rented.'' By the terms of the Constitution of 1890 the rate of interest on the Chickasaw school fund and other trust funds for education is fixed at six per cent, and it was provided that the distribution of such interest should be made semi-annually, on the first of May and November of each year.[166] It was, however, held by the court[167] that this section of the constitution is not self-executing, and that legislative appropriation would be necessary in order to distribute the fund. Finally, in the new constitution the maintenance of the Agricultural and Mechanical College and the Alcorn College for negroes is declared to be the sacred duty of the state. Section 213[168] reads: ''The state having received and appropriated the land donated to it for the support of agricultural and mechanical colleges by the United States, and having, in furtherance of the beneficent design of congress in granting said land, established the Agricultural and Mechanical College of Mississippi and the Alcorn Agricultural and Mechanical College, it is the duty of the state to sacredly carry out the condition of the act of congress upon the subject, approved July 2, A D. 1862, and the legislature shall preserve intact the endowments to and support of said colleges.''

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[153] Ency. Miss. Hist., Vol. II, p. 620.

[154] Ency. Miss. Hist., Vol. II, p. 610. See report of 1895, Supt. of Education, James R. Preston.

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[155] See Const. of 1817, Art. VI, Sec. 16, 1832, Art. VII, Sec. 14; 1869, Art. VII, Sec. I; 1890, Art. 8, Sec. 201.

[156] Sec. 203 of Art. 8, Const. 1890; Sec. 3 of Art. VIII, Const. 1869.

[157] Const. 1890, Art. 8, Sec. 204; Const. 1869, Art. VIII, Const. 1869.

[158] Const. 1890, Art. 8, Sec. 205; 1869, Art. VIII, Sec. 5.

[159] Const. 1869, Art. VIII, Sec. 6.

[160] Const. 1890, Art. 8, Sec. 207.

[161] Const. 1869, Art. VIII, Sec. 9; Const. 1890, Art. 8, Sec. 208.

[162] Const. 1869, Art. XII, Sec. 27.

[163] Art. 8, Sec. 210.

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[164] Const. 1817, Art. VI, Sec. 20.
[165] Art. 8, Sec. 211.
[166] Const. 1890, Art.. 8, Sec. 212.
[167] State ex rel v. Cole, Auditor, 81 Miss., 174 (32 So., 314).
[168] Art. 8, Const. 1890.

The biennial report of the State Superintendent for the scholastic years 1889-1890 and 1890-1891 contains a statistical resume of school conditions in the state from the time of the establishment of the system in 1870 down to 1892. This review of the progress of public education for the first twenty-year period after the adoption of a general plan shows clearly that in spite of almost insurmountable obstacles that had to be overcome the system was steadily advancing. Every year during the period showed an increase in the number of children enrolled in the public schools, and the higher educational institutions were gradually reaching a greater number of people. The increase in enrollment in the public schools for the five-year periods from 1871 to 1891 is shown by the following figures taken from the biennial report of Superintendent Preston:[169]

1871	white	66,257	colored	45,429	Total	111,688
1876	''	76,021	''	90,178	''	166,204
1881	''	111,655	''	125,633	''	237,288
1886	''	129,203	''	152,530	''	281,743
1891	''	154,447	''	173,378	''	327,762

The average number of teachers employed for the same periods increased from a total of 3600, both races in 1871, to 3978 (2973 white, 1005 colored) in 1876; 6058 (3414 white, 2644 colored) in 1881; 6852 (3840 white, 3012 colored) in 1886; 7546 (4334 white, 3212 colored) in 1891.[170] In 1871 the total amount expended on public schools was $950,000; 1876, $417,760; 1881, $757,757; 1886, $802,476; 1891, $1,169,088.[171] There was an increase in the number of public schools in the state from 5443 (3154 white, 2289 colored) in 1886 to 6071 (3528 white, 2543 colored) in 1891.[172]

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[169] Biennial Report to legislature, Jan. 6, 1892, p. 3.
[170] Biennial Report to legislature, Jan. 6, 1892, p. 4.
[171] Biennial Report Superintendent Education, 1892, p. 4.
[172] Ibid., p. 5.

The Superintendent's report of 1892 indicates progress "all along the line of public education during the past two years."[173] The report draws a comparison between the last year of the biennial report of 1888-1889 and that of 1890-1891 in which the following facts stand out:

1. An increase in enrollment of 5775. The whites gained 6012 and the colored decreased 174.

2. An increase in average atendance of 5155, about equally divided between the races.

3. Increase in white teachers, 316; in colored, 156.

4. Increase in first grade white teachers, 762; in colored, 156.

5. Increase in salaries of white teachers, $31,429; of colored, $2,090.

6. Number of school-houses built, 710.

7. Increase in number of schools, 249.

8. Increase in number of high schools, 70.

9. Increase in amount received for public schools, $11,741.

10. Increase in amount expended on public schools, $51,978.

11. Increase in amount paid in teachers' salaries, $33,519.

12. Total expended in eight towns for the erection in each of a public school building, $148,000.

13. Amount expended on country school-houses, $175,000.

These facts, says the report, show a remarkable growth in public education. "The people are taking a firm hold on the school system. The masses are manifesting an eagerness for education which foreshadows higher achievements. Our colleges and high schools have been full to overflowing; our forty-three separate school districts have been taxed to their utmost capacity; many of our country schools have been calling for more assistants. An educational era is upon the state. Our State institutions and denominational colleges are providing for the wants of those who seek collegiate education; our 220 high schools and 43 schools in separate school districts, are providing preparatory facilities such as never existed before in the State * * * * "[174] Again the Superintendent says: "Public education has won the approval and endorsement of a great majority of the people of Mississippi. It has won the victory over prejudice, over poverty, over the opposition engendered by our large negro population who pay little tax, and whose schools are a heavy burden on the property owners of the State."[175]

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[173] Ibid., p. 11.

II. *Common Schools*

The present system of public education in Mississippi is based upon the statutes of the state contained in the annotated code of 1906 and statutes amendatory thereof. There will be discussed, first, the public school administration, and secondly, the administration of higher education.

The State Superintendent of Education stands at the head of the public school system. The office was created by the school law of 1870, prior to that time the secretary of state having been, by the law of 1846, designated as ex-officio general commissioner of education. "The superintendent of public education shall have general supervision of the public free schools, and may prescribe such rules and regulations for the efficient organization and conducting of the same as he may deem necessary. He shall preside over all meetings of the board of education, and shall solicit reports from all public and private educational institutions of the state."[1] The law makes it the duty of the state superintendent to apportion the state common school fund to the several counties and separate school districts, the apportionment to be made semi-annually and based upon the number of educable children enumerated as provided by law in the counties and separate school districts, respectively; and it is also the duty of this official to furnish the auditor with a certified copy of the apportionment, as well as to furnish a copy to the state treasurer, the superintendent of public education of each county, each county treasurer, and treasurer of each separate school district.[2] In his biennial report to the legislature the state superintendent must show:

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[174] Biennial Report, State Supt. Education, 1892, pp. 11-12.

[175] Biennial Report, State Supt. Education, 1892, p. 13.

[1] Ch. 138, Sec. 4818, Miss. Code, 1906.

(a) The receipts and disbursements of the common school fund.

(b) The number of school districts, schools, teachers employed, and pupils taught therein, and the attendance of pupils, and studies pursued by them.

(c) The financial condition of the schools, their receipts and expenditures, value of school house and property, cost of tuition, and salaries of teachers.

(d) The condition, educational and financial, of the normal and higher institutions connected with the school system of the state, and, as far as it can be ascertained, of the private schools, academies, and colleges.

(e) Such general matters, information and recommendations relating to the educational interests as he may deem important.[3]

It is the duty of the state superintendent to require annually, and as often besides as he may deem proper, of the county superintendents, detailed reports of the educational business of the several counties. The state superintendent is required to furnish the county superintendent with necessary instructions regarding these reports;[4] and he must "prepare, have printed, and furnish all officers charged with the administration of the laws pertaining to the public schools, such blank forms and books as may be necessary to the proper discharge of their duties, and the questions for the examinations of teachers." He is charged with having the "laws pertaining to the public schools printed in pamphlet form, and publish therein forms for conducting school business, the rules and regulations for the government of schools that he or the board of education may recommend, and such other matters as may be deemed worthy and of public interest pertaining to the subject."[5] Although he is not given power to summon county superintendents to meet him on such occasions, the state superintendent may meet in conference with the county superintendents of each judicial district or of two or more districts combined, from time to time, the object of such meetings being "to accumulate facts relative to the examination and qualifications of teachers, methods of instruction, text-books, institutes, visitation of schools, and other matters embraced in the public school system."[6] The law makes it obligatory upon the state superintendent that he at the request of any county superintendent, give his opinion, upon a written statement of the facts, on all questions and controversies, arising out of interpretation and construction of the school laws in regard to the rights, powers and duties of school officers and county superintendents, and that he keep a record of all such decisions.[7] In this work the state superintendent has the assistance of the attorney general, whose duty it is to examine the statement of facts presented to him by the state superintendent of education and suggest the proper decision to be made upon such facts. The state superintendent is required to advise the county superintendent upon all matters involving the welfare of the schools.[8] Through his connection with the State Board of Education, the State Board of Examiners, the Text-book Commission,[9] the Illiteracy Commission, and the Educational Commission[10] the State Superintendent exercises important administrative powers. His activities as a member of these boards will be examined in connection with the work of these central administrative agencies.

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[2] Ibid., Sec. 4821.

[3] Ch. 138, Sec. 4823, Miss. Code 1906.

[4] Ch. 125, Sec. 4492, Miss. Code 1906.

[5] Ch. 125, Sec. 4493, Miss. Code 1906.

The personnel of the State Board of Education as has been noted, is fixed by the constitution[11] to be composed of the state superintendent of education, the secretary of state, and attorney general. By the constitution this board is given the management and investment of school funds, and the board is to perform such other duties as may be prescribed. The law provides that the board may appoint the time of meeting, "and a called meeting of the board may be held at any time upon the call of a member thereof."[12] The board of education decides all appeals from the decision of the county superintendents, or from the decisions of the state superintendent; "but all matters relating to appeals shall be presented in writing and the board's decision shall be final."[13]

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[6] Ch. 125, Sec. 4494, Miss. Code, 1906.

[7] Ibid., Sec. 4495.

[8] Ibid., Sec. 2296.

[9] See infra., et seq.

[10] Temporary commission, see House Current Resolution No. 58—Laws of 1916, Infra, p. 97.

[11] Supra., p. 63.

Under certain restrictions, the state board may remove county superintendents of education. The law specifies the conditions under which such removals may be made.[14] There is little likelihood of the state board exercising this prerogative. The board is required to audit all claims against the common school fund, and allow so much as may be justly due, not to exceed the amount allowed by law;[15] to fix the expenses of the state superintendent's office;[16] and to "regulate all matters arising in the practical administration of the school system which are not otherwise provided for; and it may adopt a course of study to be pursued in the schools and may designate a day to be observed as arbor day, which shall be devoted to the planting of trees and otherwise improving the school grounds.[17] Under the clause of the law which gives to the state board the power to "regulate all matters arising in the practical administration of the school system which are not otherwise provided for" the board is able to exert a great influence in directing the educational affairs of the state. This provision has been made for a considerable degree of centralization of administration which would otherwise be impossible.

Though not a member of the State Board of Examiners the Superintendent appoints this board. The law provides that "there shall be a state board of examiners which shall consist of three members, who shall be first grade teachers of scholarly attainments and of successful experience, to be appointed by the state superintendent of education."[18] It is the duty of the state board of examiners to "aid the state superintendent of education in preparing all examination questions for the teachers of the state, to grade papers of applicants for professional and state licenses, to hear and decide all appeals from teachers or county superintendents regarding examinations; to examine all applicants or candidates for the office of county superintendent under regulations passed by the state board of education."[19] The members of the state board of examiners receive as compensation for their services five dollars from each applicant for professional license, five dollars from each applicant or candidate for county superintendent of education in the several counties of the state, and fifty cents for each applicant for state license.[20]

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[12] Ch. 125, Sec. 4486, Miss. Code, 1906.
[13] Ibid., Sec. 4487.
[14] Ibid., Sec. 4488.
[15] Ibid., Sec. 4489.
[16] Ibid., Sec. 4490.
[17] Ibid., Sec. 4491.

The state Text-book Commission is an important agency of the central school administration. There are eight members of this commission, besides the state superintendent who is ex-officio chairman of the commission. The governor appoints "eight educators of known character and ability in their profession, and engaged in public work as teachers, not more than one to be selected from each congressional district, who, together with the state superintendent of education" constitutes the text-book commission. It also provides that "in no case shall the person selected be related to the ex-officio member by affinity or consanguinity."[21] It is the duty of the text-book commission to select and adopt a uniform series of text-books for use in the public schools of the state. Such books as are selected by the commission are used for a period of five years,[22] and it is unlawful for any teacher of any public school to use any books "upon which the same branch other than those adopted by said text-book commission," except as provided by law. Each member of the commission takes an oath that he will discharge all duties devolving upon him as a member of the commission; that he has no interest, direct or indirect, in any contract that may be made by the commission; that he will receive no personal benefit or benefits therefrom; and that he will carefully examine all books submitted for inspection and will make the best selection possible of any and all books to be used in the public schools of the state.[23] By an act of the legislature of February 9, 1912 the text-book commission was prohibited from changing more than twenty-five per cent of the books in use at any regular state adoption.[24] This law was enacted to save the great inconvenience brought about by the frequent changes made of the text-books for the public schools; but the legislature yielded to requests from various schools officers, and this part of the law was repealed in 1918.[25] The law specifies quite definitely how the choice of books must be made.[26] These statutes will be examined presently in the discussion of text-books.[27] The commission is required to keep a journal of its proceedings. Members of the commission must not accept employment or receive gifts or donations from book dealers.[28] As to the compensation of members of the text-book commission, the superintendent of public education, as ex-officio member, serves without pay. The other members of the commission receive five dollars per day during the time they are actually employed, not to exceed thirty days a year. All members of the commission receive ten cents a mile for each mile actually traveled from their homes to the place of meeting and return.[29]

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[18] Code 1906, Sec. 4551. Laws of 1896, Ch. 106.

[19] Ch. 125, Sec. 4552, Miss. Code 1906. Laws of 1896, Ch. 106.

[20] Ibid., Sec. 4554.

[21] Ibid. Sec. 4594.

[22] Ch. 125, Sec. 4596, Miss. Code, 1906.

The Illiteracy Commission was created by an act of the legislature approved March 21, 1916 entitled "An act to provide for the creation of a commission for the removal of adult illiteracy in Mississippi, to be known as 'the Mississippi illiteracy commission' and to provide for the duties and powers thereof."[30] The Mississippi Illiteracy Commission as created by this act is composed of five persons, "both men and women, including the state superintendent of education, who shall be ex-officio member thereof.'' The commissioners are appointed by the state superintendent of education and according to law ''shall be selected for fitness, ability and experience in matters of education, and their acquaintance with the conditions of illiteracy in the state of Mississippi and its various communities.''[31] The commissioners elect from their own membership a president and a secretary-treasurer. It is made the duty of the commission ''to make research, collect data, and procure the services of any and all communities of the state looking to the obtaining of more detailed and definite knowledge as to the true conditions of the state in regard to its adult illiteracy, and report regularly the results of its labors to the governor, and to perform any other act which, in its discretion, will contribute to the elimination and enlightenment of illiterate persons in the state of Mississippi.'' the legislature made no appropriation for the work of the Illiteracy Commission. The Commission was merely authorized to make use of any funds which might come into the hands of the Commission from other sources than by appropriation from state funds.[32] With the proper funds to prosecute the work, this commission would be able to take an important part in the general plan of educational administration and development in the state.

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[23] Ch. 168, H. B. No. 124, Sec. 1, Act approved Feb. 12, 1912.
[24] See Section 4598, ff., Ch. 125, Code 1906.
[25] Laws 1918, Ch. 143, pp. 149-150.
[26] Supra., p. 71.
[27] Sec. 4608, Ch. 125, Code 1906.
[28] Sec. 4614, Ch. 125, Miss. Code 1906.
[29] Ibid., Sec. 4618.
[30] H. B. No. 330, Laws of 1916, sections 1-7, inclusive.

The Educational Commission was created in 1916 by ''A concurrent resolution creating an educational commission to prepare a code of school laws and report same to the legislature of 1918.'' Although this was a temporary commission it is interesting to note the reasons for the creation of such a body. The resolution[33] stated that the main body of the school laws of the state were enacted more than twenty-five years ago when the public school system was in its formative period; that in an effort to modify the old laws to meet new conditions and needs, amendments had been added until contradictions and confusions were frequent; and that economy and efficiency in the administration of the important and rapidly growing public school system made necessary better school laws.

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[31] Laws 1916, H. B. No. 330, Sec. 1.

[32] Laws 1916, H. B. No. 330, Secs. 4-6.

[33] House Concurrent Resolution No. 58, Laws of 1916, Ch. 603, p. 642, adopted by the House and Senate April 6, 1916.

Under the terms of the resolution the Educational Commission was composed of three members of the House, appointed by the speaker, two members of the Senate, appointed by the lieutenant governor, and two school men, appointed by the governor, to serve without pay with the governor and the state superintendent of education. The commission was called upon by the resolution to make a thorough study of the school laws and school systems of other states and countries, and to compile a complete code of school laws for the state of Mississippi, which was to be submitted to the legislature in January 1918, with the view of having the code enacted into law. The legislature failed to enact into law the code submitted by the Educational Commission.

As ex-officio member of the board of trustees of the state university and colleges the state superintendent exercises an influence in the administration of higher education in the state.[34]

At the head of the county school system is the county superintendent of education. The law provides that "there shall be a superintendent of public education in each county, who shall be elected by the people, whose term of office shall be for four years. Before anyone shall be elected to the office he shall have attained the age of twenty-one years, and shall be a qualified elector and a resident citizen of the state for four years and of the county for two years immediately preceeding his election, and shall have passed the examination provided for * * * * and received a certificate accordingly."[35] As to the examination which the candidates for county superintendent shall pass, the law says, "all applicants or candidates for the office of county superintendent shall pass an examination on all branches required for first grade license, and in addition on the art of teaching. The examination shall be held in the county of the applicant by the state board of examiners.[36] The examinations may be held in Jackson where the candidates prefer, and when the candidates "give the superintendent of education ten days' notice by registered letter." No county superintendent of education is allowed to teach any school during his term of office.[37] By the terms of the law it is the duty of the countp superintendent:[38]

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[34] Infra., pp. 131-133.

[35] Ch. 137, Sec. 4809, Miss. Code 1906, See Miss. Ed. Advance, Vol. 10, No. 11, June 1919, pp. 42-44 for suggestions for improvement of certification of candidate for Co. Supt. Ed.

(a) To employ for each school under his supervision, such teacher or teachers as may be recommended by the local trustees; but the teacher shall hold his certificate of proper date and grade and execute the required contract.

(b) To examine the monthly reports of teachers and require the signatures of a majority of the trustees certifying the accuracy of the report, and upon report thus certified to issue a pay-certificate showing the amount of salary due, and the scholastic month for which it is issued. The pay-certificates must be in the form prescribed by the board of education and a stub duplicate made out and preserved in this office.

(c) To fix the salaries of teachers and to make contracts with them.

(d) To enforce the course of study adopted by the board of education, and the uniform text-books adopted for the county.

(e) To enforce the law and rules and regulations in reference to the examination of teachers.

(f) To visit the schools and require teachers to perform all their duties.

(g) To select and employ teachers for the public schools whose trustees fail to report a selection within ten days of the time fixed by the county school board for the beginning of the term.

(h) To administer oaths in all cases of teachers, trustees, and others relating to the schools, and to take testimony in appeal cases under the school law.

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[36] Code 1906, Sec. 4811.

[37] Ibid., Sec. 4815.

[38] Miss. Code 1906, Ch. 125, Sec. 4497.

(i) To keep on file and preserve in his office the biennial report of the superintendent of public education and all circular letters sent out by him and a copy of the school law.

(j) To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of school officers and teachers, from the state superintendent of public education.

(k) To carefully preserve all reports of school officers and teachers, and, at the close of the term of office, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the chancery clerk.

(l) To make annually, on or before the first day of October, a written report of the board of supervisors and mayor and board of aldermen of the municipality constituting a separate school district, showing the name, sex, and color of the teachers employed during the preceding scholastic year, the number of months taught by each, and the aggregate amounts of pay-certificates issued to each and all; and the report shall be filed in the office of the chancery clerk or the municipality clerk, as the case may be, and be compared by said officer with the pay-certificates of the county superintendent for the period embraced in the report

(m) To file with the chancery and municipal clerks, before issuing any pay-certificates for the current term, lists of the teachers employed, and the monthly salary of each as shown by the contract, and to add to the list any teachers subsequently employed.

(n) To keep in his office and carefuly preserve the public school record provided; to enter therein the proceedings of the county school board, the decisions of appeal cases, and other official acts; a list of the teachers examined, licenses, and employed; and, within ten days after they are rendered, to record the date required from the monthly and term reports of teachers, and the annual reports of county and separate school district treasurers; and from the summaries of records thus kept, to render, on or before the first of September an annual report to the state superintendent in the form and containing the particulars required.

(o) To observe such instructions and regulations as the board of education may from time to time prescribe, and make special reports to those officials whenever required; and

(p) To perform such other duties as may be required of him by law or rules and regulations of the board of education; and in no case shall he receipt for a teachers' warrant, or collect the money on the same

Before the law made it obligatory upon county superintendents to make annual reports to the state superintendent of education it was impossible to obtain complete statistics or other information concerning the educational work of the various counties. The law provides that if a county superintendent fails to make his annual report to the state superintendent by the fifteenth day of September, he forfeits fifty dollars of his salary. It is required of the county board of supervisors, upon receiving from the state superintendent of public education notice of such failure, to deduct the amount forfeited from the salary of the county superintendent.[39] The county superintendent is required to keep regular office days. He is required to make to the board of supervisors and mayor and board of aldermen of a municipality constituting a separate school district, reports for each scholastic month, showing the amount of pay-certificates issued for that month, the schools visited, the date of visitation, and the time he spent in each school during his visit. The penalty for failure to make the monthly report is the withholding of the salary until such report is on file.[40] The salary of the county superintendent is paid out of the common school fund, on allowance of the board of supervisors after it has approved the report required to be made to it every month by the superintendent. The salary is fixed at five per cent of the total school fund received by the county and separate school districts annually; "but a county superintendent shall not receive more than $1,800, nor less than $1,000 per annum, and in fixing the salary for any year it shall be based on the amount of school fund received by the county and separate school districts, and other taxing districts, during the preceding scholastic year.''[41] It is provided further, that the board of supervisors may fix the salary of the county superintendent at any amount greater than five per cent of the school fund not to exceed $1,800. The county superintendent ''in no case shall . . . . pursue any other secular profession or business of a public nature, but shall devote his entire time to the duties of his office.''[42] Municipalities constituting separate school districts and rural separate school districts are required to pay their proportionate part of the salary of the county superintendent of education, estimated upon the amount of funds received from the state distribution.

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[39] Miss. Code 1906, Ch. 125, Sec. 4498.
[40] Ibid., Sec. 4500.

The amount of personal supervision of county schools by the county superintendent is indirect rather than direct. The county superintendent is required to visit all the schools in his county at least once during the term, and for every school not so visited, the board of supervisors must, on proof thereof, deduct ten dollars from the superintendent's salary. The nature of these visits precludes the possibility of any great degree of real direction by the county superintendent. The law requires but one visit by the county superintendent during the school term, and it is prescribed that ''On the first visit he shall remain at least two hours, and shall, in county schools, correct any deficiency which may exist in the classification of pupils or the government of the school; and in separate school districts he shall call the attention of the trustees to such deficiencies for correction by them. He shall note down the condition and value of the building and lot, and of the furniture, the methods of instruction, the branches taught, and his estimate of the ability of the teacher to conduct a school. He shall give such directions and make such recommendations as he deems expedient and needful to secure the best results in the instruction of the pupils, and shall examine the classes to see that thorough work is done. He shall urge patrons to provide their children with comfortable and well-furnished school-houses.''[43]

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[41] Miss. Code 1906, Sec. 4501.

[42] Miss. Code 1906, Ch. 125, Sec. 4501. The provision of the act requiring the time of the county superintendent, in the discretion of the board of supervisors of any county, may be suspended until January 1, 1920.

The law specifies that ''in all controversies arising under the school laws, the opinion and advice of the county superintendent shall first be sought, from whose decision an appeal may be taken to the state board of education, upon a written statement of the facts, certified by the county superintendent or by the secretary of the trustees.''[44] The county superintendent is given the right to suspend or remove any teacher or trustee from office, except in separate school districts, for incompetency, neglect of duty, immoral conduct, or other disqualification. ''And for the purpose of conducting inquiries and trials, the superintendent has the same power as a justice of the peace to issue subpoenas for witnesses, and to compel their attendance and giving of evidence by them.''[45] When on account of removal, death, resignation, or other cause, a vacancy occurs in the position of school trustee or teacher, it becomes the duty of the county superintendent ''within ten days after the vacancy occurs or as soon thereafter as practical, to supply the same by appointment.''[46] The county superintendent may also for just cause revoke the license of a teacher, but in such case the teacher is allowed an appeal to the state board of education.[47] A record of the names of all trustees in the county must be kept in the office of the county superintendent;[48] he must not speculate in teachers' warrants;[49] and he may, when prevented by sickness from attending to the duties of his office, appoint a deputy, who is authorized to discharge all the duties of the office.[50]

The law specifies two more powers which are exercised by the county superintendent of education, first, pertaining to teachers' register and outline map, and secondly, pertaining to contracts with teachers. It is made the duty of the county superintendent "to prepare, on township blanks, an outline map, showing the number of the sections and parts of sections embraced in each school district outside of the separate school district, and to paste the same in the school register for the district before delivering it to the teacher thereof. It shall be unlawful to issue a pay-certificate to the teacher of any district not established and recorded in accordance with the provisions of the law."[51] As to the contracts with teachers it is provided that "it shall be the duty of the superintendent to make a contract in the form prescribed by the board of education, with every duly licensed teacher, who has been selected by the trustees according to law or appointment by himself. The contract shall be signed in duplicate by the superintendent and by the teacher, each retaining one part; and it shall show the name of the school, the position of the teacher, whether principal or assistant, and the monthly salary. In addition to the fixed salary, there shall be the salary in case the attendance decreases to a number for which the conditional amounts would be a fixed salary"[52] The law also specifies the conditions under which contracts will be held valid.[53]

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[43] Miss. Code 1906, Ch. 125, Sec. 4502.
[44] Ibid., Sec. 4503.
[45] Miss. Code 1906, Ch. 125, Sec. 4504.
[46] Ibid.
[47] Ibid., Sec. 4505.
[48] Ibid., Sec. 4507.
[49] Ibid., Sec. 4508.
[50] Ibid., Sec. 4509.

The county school board next to the county superintendent is the most important administrative agency of the county school unit. The law provides for a county school board, consisting of one member from each of the five supervisor's districts, to be appointed for a term of four years, by the superintendent, within ninety days after his term of office begins. The appointments made by the county superintendent to the county school board must be ratified by the board of supervisors. For neglect of duty the superintendent may remove a member of the school board and appoint another member to fill the vacancy thus created.[54] In order to qualify for the duties of their office the members of the school board are required to subscribe to the oath of office before the county superintendent. They receive as compensation for their services three dollars for each day's actual service, but the law requires that "they shall not be paid for more than five days in any one year."[55] The county superintendent is president of the county school board and he is required to "convene it annually, prior to the first day of August, to define the boundaries of the school districts of the county outside of the separate school districts, or to make alterations therein, and to designate the location of the school house in each district, if not already located."[56] Where there is not more than one chartered school in a district the county board is directed by the law, if it be so desired by the authorities of the chartered school, to locate the public school of the district at the site of such chartered school.[57] It is made mandatory upon the county school board that separate districts be provided for the white and the colored races. The districts for each race must embrace the whole territory of the county outside the separate school districts. In establishing the districts the school board is restricted by the law, which requires that: "A regular school district shall not contain less than forty-five educable children of the race for which the district is established, except where too great distance or impassible obstructions would debar children from school privileges; in such cases the school may, in its discretion, establish a regular district containing not less than fifteen educable children."[58] The law states what shall be considered "impassable obstructions."[59] Although as a rule a district must lie wholly within one county, where there is an obvious reason why this practice should not be followed "adjacent parts of counties may, by the county school board, be embraced in a line school district, the superintendent previously consenting thereto and reporting to the board the territory to be so included." It is further provided that "trustees of such districts may reside in either county. The teacher may be licensed in either county, but the superintendent must previously agree upon the amount of salary to be paid, and each must contract with the teacher for the proportionate part of the salary, and shall require the teachers' monthly reports to him to show the statistics of the whole school, and also separately those of his county. In defining the boundaries of school districts the school board is required to "pay due regard to the larger watercourses of the county, using parts of them as boundary lines whenever practicable. In counties not laid off in townships, the metes and bounds of the school districts shall be defined by streams, by the line of farms, or otherwise."[60] The districts must be so arranged as to place all children within reasonable distance of a school house, and one public school must be maintained in each district, except where less than five children attend school in the district, in which case it is required of the county superintendent that he discontinue the school at the end of any scholastic month.[61]

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[51] Miss. Code 1906, Ch. 125, Sec. 4517.

[52] Ibid., Sec. 4560.

[53] Ibid.

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[54] Miss. Code 1906, Ch. 125, Sec. 4510.

[55] Ibid., Sec. 4511.

[56] Ibid., Sec. 4512.

[57] Ibid., Sec. 4513.

[58] Miss. Code 1906, Ch. 125, Sec. 4514.

[59] Ibid.

In addition to the superintendent and the county board of education there is, third, the county board of examiners which is an important part of the administrative machinery of the county school system By the laws of 1900, Chapter 113, annually two first grade teachers are appointed by the county superintendent, prior to the fall examination and with the county superintendent they constitute the examining board for each county. It is unlawful for the county superintendent to appoint upon this board any person related to him "by affinity or consanguinity," and it is provided that no teacher of a normal or training school shall be appointed on the board. The county board of examiners conduct all examinations of teachers, and "as a board and not individually" review and grade the examination papers submitted by applicants for license to teach. The teachers comprising the board receive two dollars and a half for each day of actual service in holding the examination, and twenty-five cents additional for grading the papers of each applicant. The compensation given the examiners is paid out of the school fund in the same manner as teachers' salaries are paid. The county superintendent of education fills all vacancies that occur in the board of county examiners. The time and place of holding the county examination is fixed by the law.[62] As amended by the legislature of 1916, the law requires that "the examinations shall be held upon questions prepared by the state superintendent of education and sent, sealed, to the county superintendent, to be opened by him in the presence of the teachers after they have assembled in the examination room and after the seals have been inspected by the examiner." The procedure to be followed in the examination is also specified in the law.[63] It is provided that "no applicant shall stand the examination in any county for the purpose of having the license transferred to the resident county of the applicant, unless authorized by the state board of examiners."[64]

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[60] Miss. Code 1906, Ch. 125, Sec. 4514.

[61] Ibid., Sec. 4515.

Before giving attention to the organization and administration of the separate school districts, it is germane to the purpose of this discussion to examine the administration of two special types of county schools which although established scarcely a decade ago have brought about revolutionary changes in the school system of the state. Under the laws of 1908 and 1910, respectively, county agricultural high schools and consolidated schools have been organized in every section of the state. The first legislative act providing for the establishment of County Agricultural High Schools in Mississippi was passed in 1908.[65] After three or four schools were established and put into operation, in 1909 the Supreme Court of the state declared the act unconstitutional, the court's decision being based on the ground that the law did not provide equal advantages for the races. The court said Chapter 102 of the laws of 1908 "authorizing a county to establish one agricultural high school for instruction of its white youth alone, and to support it by a tax on all the taxable property in the county, is violative of the Fourteenth Amendment of the Constituiton of the United States, its necessary effect being to abridge the privileges and immunities of a class of citizens, or deny them the equal protection of the laws.''[66] The legislature of 1910 passed a new act providing for the establishment of County Agricultural High Schols, and also passed an act validating the locations of those schools which had been established under the law of 1908. The law of 1910, so drafted as to meet the requirements of constitutionality on the point of equal advantages for the races, with amendments by subsequent legislatures,[67] is the law under which the agricultural high schools are now established and maintained.[68] As analyzed by Assistant State Superintendent W. N. Taylor[69] the fundamental provisions of the law are as follows:

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[62] Laws of 1902, Ch. 106, Code 1906, Ch. 125, Sec. 4538.

[63] Miss. Code 1906, Ch. 125, Sec. 4539.

[64] Ibid.

[65] Laws of 1908, Ch. 102, S. B. No. 302, Sections 1-6, inclusive.

1. The County School Board is authorized and empowered to establish an Agricultural High School and determine its location. In making this provision it was necessary in order to meet constitutional requirements for the legislature to give the county board power to establish ''not more than two Agricultural High Schools in the county, and determine their location, one for white youths exclusively and the other for colored youths exclusively.''[70]

2. Any community in the county has the right to bid for the location of an Agricultural High School, and at any time may request the County School Board to convene for the purpose of considering the bid to be submitted.

3. A minimum of twenty acres of land must be provided; also a school building and dormitory facilities for at least forty boarders before the school may be accepted by the State Superintendent for state support.

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[66] McFarland vs. Goins, 50 So. 493.

[67] Laws 1910, Chs. 122 and 126; 1911, Ch. 11; 1912, Ch. 186; 1916, Chs. 193 and 196.

[68] State Dept. Education Bulletin No. 10, 1917, p. 41.

[69] Ibid., pp. 41-42.

[70] Laws of 1910, Senate Bill No. 4, Ch. 122, Sec. 1, Approved March 16, 1910.

4. Two counties may co-operate and locate the school at, or near the county line.

5. State support is furnished County Agricultural High Schools which have been approved by the State Superintendent of Education as follows:

(a) Schools with less than thirty boarding pupils in actual attendance for each month of the session, $1,500 annually.

(b) Schools with more than thirty and less than forty boarders, $2,000 annually.

(c) Schools with more than forty boarders, $2,500 annually.

(d) A bi-county school receives $3,000 annually from the state, and when the number of boarding students exceeds sixty, the bi-county school receives $3,500, and if the number of boarders exceeds eighty, the school receives $4,000.

6. After a County Agricultural High School has been established, it is mandatory on the board of supervisors to levy a tax on all the taxable property of the county for the maintenance and support of the school, said tax not to exceed two mills.

7. If an Agricultural High School maintains a boarding attendance of thirty-five or more pupils, the tax levy for the support of the school cannot be submitted to an election.

8. The law provides for instruction in the various High School branches, and in theoretical and practical agriculture, and in domestic science.

9. Boards of supervisors are authorized under the law to issue bonds for the establishment and equipment of Agricultural High Schools. The expenditure of funds derived from this source is under the direction of the board of trustees of the school.[71]

The law places considerable responsibility upon the State Board of Education in administering a substantial part of the law concerning the operation of County Agricultural High Schools, e.g., pertaining to the review and correction of the curriculum, the selection of the location for a bi-county school when the County School Boards concerned cannot agree upon this matter, the issuance of requisitions for state funds to be paid to an Agricultural High School, and the approving of plans for buildings. State aid may be withdrawn at any time, when the State Board of Education finds that a school is not being legally conducted for the purposes for which the schools are established.[72]

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[71] Laws of 1910, Ch. 122, Senate Bill No. 4, Sections 1-9 inclusive.

By provision of the 1910 law, as amended by the legislature of 1914, the administration of Agricultural High Schools is vested in a board of five trustees one from each supervisors' district, two of whom are elected by the board of supervisors, two by the county school board and the county superintendent of education constitutes the fifth member. [73] The regular term of these trustees is four years, not over two members going out at the same time. The trustees are given control of the property; they elect and fix salaries of all teachers in the agricultural department of the school, and have full power "to do all things necessary to the successful operation" of the school.[74] Each member of the board of trustees, the county superintendent excepted receives not over three dollars a day while on actual duty, and this amount is paid out of the County Agricultural High School funds. In connection with the administration of these schools the law further provides that when a common school is taught in connection with an Agricultural High School the election of teachers for the common school department is made by common school trustees in the same manner as for a separate common school. Where two adjacent counties unite in establishing an Agricultural High School or two schools, one for each race, the government of the school is vested in eleven trustees instead of in five. Five of the eleven trustees are selected by each county, one from each supervisors' district of the respective counties, and the eleventh is chosen by the ten so selected. The law specifies the relations which shall obtain between the two counties in the administration of the bi-county Agricultural High Schools.[75]

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[72] Laws 1916, Ch. 193. See Bul. No. 12, State Dept. Pub. Ed. July 1919, p. 5.

[73] See Bul. No. 12, State Dept. Ed., July 1919.

[74] Laws of 1910, Ch. 122, Senate Bill No. 4, Section 3.

The functions of the county Agricultural High Schools are: (1) To furnish for its pupils a good literary education of high school grade, including instruction in English, mathematics, science, history, modern languages, etc.; (2) To furnish thorough training of high school scope along industrial lines, especially to maintain a four-year course in agriculture for boys and a parallel course in home economics for girls, giving the proper amount of time to both theory and practice; (3) To stimulate through extension work agricultural activities of the farmers of the county and to encourage improvement of farm and home life, cooperating in this work with the federal and state extension workers in the various counties; (4) To assist the farmers of the county by securing and furnishing to them literature on agricultural and rural problems; (5) To provide training for the boys and girls who will not be able to take a college course; and (6) To serve as a training center for rural school teachers.[76] In regard to the training of rural teachers in the Agricultural High Schools Assistant Superintendent of Education Taylor says: "The Normal College can supply the demand for only a very limited number of trained teachers needed in the rural schools. The high school should, therefore, provide the facilities for a two-year elective teacher training course, so that its graduates by suitable scholastic, industrial, and professional training may be properly prepared to become the rural school teachers of the county."[77]

The following data on county Agricultural High Schools compiled by the State Department of Education in 1917 shows that over half of the eighty-two counties of the state up to that time had established such schools:[78]

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[75] Laws of 1910, Ch. 122, Senate Bill No. 4, Section 4.

[76] See State Department Education, Bulletin No. 10, 1917, Assistant State Superintendent W. N. Taylor, pp. 42-43.

[77] Ibid., p. 43.

[78] Ibid., p. 45.

Number of schools now in operation[79]	44
Number of schools now being built	3
Total cost of school plants	$1,161,577.00
Number of acres of land, forty-four schools	3,190
Average per school	72.5
Monthly salary roll for forty-four schools	$ 19,141.20
Average per school	$ 435.00
Total support fund from county levy (44 schools)	$ 194,832.00
Average per school	$ 4,428.00
Average cost of board	$ 6.82
Number of student boarders paying entire board by work	166
Number of student boarders paying part board by work	1,176
Number of graduates since 1910	1,207
Number of graduates teaching in rural schools	328
Number of students session 1916-1917	5,346
Number of boarders session 1916-1917	2,859
Number of counties issuing bonds for A. H. S.	18
Amount of county bond issues	$ 232,500.00

The second special type county school is the consolidated school, or a school that has been formed by bringing together two or more schools into one. Many states during the past decade have adopted the plan of consolidation as a long step toward the solution of the rural school problem. The statistics of the state department of education show that in 1919, nine years after the movement for consolidating schools found a place in the statutory laws of Mississippi in 67 counties in the state there were 340 consolidated schools, with 1,275 teachers and 40,000 pupils. Of this number of pupils attending the consolidated schools 16,450 were transported daily in 820 transportation wagons.[80] This is a definite advance toward centralization in the county school system. There can be no consolidation without proper means of transporation, and so the first legislative act dealing in a practical way with the problem of rural school consolidation had to do with providing for the transportation of pupils.[81] This act designed to provide for the transportation of pupils when schools are consolidated declared that "where two or more schools are consolidated into one school by the county school board, the board of public school trustees for said school, together with the county superintendent, are authorized and empowered to provide means of transportation for pupils.''[82] It was provided by the same act that should more than four schools be consolidated into one school, the salary of two teachers of the consolidated schools may be expended in the transportation of pupils of the schools which form the one new school. By the laws of 1916[83] means of transportation to and from the school house must be provided for pupils living two miles or more from the consolidated school. The expense of transportation is paid out of the school fund of the county. In case of a consolidated school with territory composed of twenty-five square miles or more bonds may be issued for building purposes or other permanent improvement and a levy may be made for the purpose of maintaining the school as long as desired after the county public school term is out, or to supplement during the county term.[84] The consolidated school district may make its schools a graded school, and it has all the privileges granted by law to the separate school districts.[85] ''These schools,'' says State Rural School Supervisor J. T. Calhoun, ''are county public schools and as such are entitled to receive from county public school fund as much money as would be justly received by all of the schools of which the consolidated school is formed. In addition to this fund there is usually a levy on the property of the district for the purpose of raising additional funds. As a rule these schools are formed because of a desire for better school facilities. This desire usually results in a willingness to pay something extra.''[86] President W. H. Smith[87] in discussing the cost of consolidation is authority for the statement that ''for the same expenditure the terms would be materially increased, and the efficiency of the school system practically doubled.''[88] Many of the advantages claimed for consolidated schools[89] have been demonstrated in the successful operation of such schools in Mississippi.

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[79] July, 1919, the number of Agricultural H. S. in the state 50, only one of which was for negroes, that being in Bolivar County. See Bul. No. 12, State Dept. Ed., July 1919, pp. 45-47.

[80] Figures verified by State Dept. of Education February, 1919. For comparison with 1917 totals, see State Dept. Education, Bulletin No. 10, 1917, J. T. Calhoun, State Rural School Supervisor, pp. 10-11.

[81] Laws of 1910, Ch. 124, H. B. No. 58, Sections 1-4, inclusive.

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[82] Laws of 1910, Ch. 124, H. B. No. 58, Sec. 1.

[83] Laws of 1916, Ch. 138, H. B. No. 194, Sec. 1.

[84] Ibid., Sec. 3. See Bulletin No. 10 State Dept. Education, 1917, p. 10.

[85] Ibid., Sec. 4. For privileges of separate school districts, see Miss. Code 1906, Sec. 4535.

[86] Bulletin No. 10, State Dept. Education, 1917, p. 13.

[87] President of the Miss. A. & M. College, formerly State Elementary School Supervisor, and formerly State Superintendent of Education.

The work of the Educational Commission which was created by the legislature of 1916 to ''prepare a code of school laws and report same to the legislature of 1918,'' as has been noted,[90] did not secure the sanction of the 1918 legislature. There were certain practical considerations which intervened and prevented the adoption of the plan contained in the proposed law submitted by the Educational Commission. However this may be, it is interesting to note the suggestions of the Commission concerning the reorganization of the administration of the county school system of the state. The proposed plan contained some evident improvements over the present method of county administration.

The two features of the proposed county administration were, first, a County School Commission, and secondly, a County School Supervisor, these two agencies to take the place of the County School Board and the County Superintendent, respectively, under the present county organization. The County School Commission, composed of five members, one from each supervisors' district and elected by the qualified electors of the county at large, would have under its direction and control the public schools of the county outside of municipal separate school districts, including the county agricultural high schools.[91] No commissioners would be permitted to teach while holding office, and they should be ''persons of good character and reputation . . . . have an intelligent interest in educational matters, ... and be familiar to some extent with public affairs.''[92] As to the manner of qualification for the office of school commissioner the first proposal in the law was that persons willing to serve in this capacity should qualify with the State Board of Examiners, which board should after due investigation certify to the County Election Commissioners of the county in which such persons reside the names of those whom they deemed to possess the qualification required by law; but under pressure of political circumstances this requirement was changed and those who would be county school commissioners would qualify by getting the endorsement of 25 qualified electors. Had the plan been adopted by the 1918 legislature it would have become the duty of the County Election Commissioners of each county to place on the ballot in the general election of 1918 and biennially thereafter the names of the persons certified to them as provided by law indicating in which Supervisor's District each person resided. The term of County School Commissioner was to be six years, two retiring every two years. The State Board of Education was given power to remove any commissioner for incompetency, neglect of duty, or immoral conduct, and to fill all vacancies which might occur in the various county school commissions. The commissioners were to receive five dollars for each day's actual service, not exceeding twenty days in each year, which amount was to be paid out of the common school fund, or Agricultural High School fund. Each County School Commission was to elect a permanent president from the five members of the commission, and the president was entitled to vote on all questions. One of the members was to be selected as secretary until the employment of a County School Supervisor.

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[88] State Dept. Education, Bulletin No. 6, 1911, p. 19.

[89] See W. H. Smith, State Dept. Education, Bulletin No. 6, 1911, pp. 9-11; also, J. T. Calhoun, St. Dept. Education, Bulletin No. 10, 1917, pp. 11-13.

[90] Supra., p. 73.

[91] Sec. 11, Ch. 3, of the proposed law.

[92] Ibid., Sec. 12.

It was provided that the purpose of all meetings of the County School Commissions prior to January 1, 1920, should be "to confer with the State Department of Education, to study school conditions in their respective counties and to forecast their policy under the new administration."[93] On the first Monday in January, 1920, it would have been the duty of each school commission to meet in the office of the County Superintendent of Education, qualify as county officials and at their discretion confirm any action previously taken by them as a commission. The outgoing County Superintendent, at his option, would have been employed by the School Commission on or before January 1, 1920, "on a salary of not less than he receives as County Superintendent of Education." A County School Supervisor was to be employed by the School Commission on or before January 1, 1920, the time set in the proposed law for County Superintendents of Education to be superseded by County School Supervisors. The salary and term of office of County Supervisors were to be fixed by the School Commission. The School Supervisor was to serve as executive secretary of his County School Commission, and the Supervisor's duties in addition to those fixed by law were to be prescribed by the County Commission.

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[93] Sec. 18, Ch. 3, of the proposed law.

The County School Commission would be given power to remove from office trustees outside of municipal separate districts for incompetency, immoral conduct, or neglect of duty, and to fill all vacancies. The School Commission would have charge of the school property of the county. The commissions of the various counties would perform the following duties: (1) Establish school districts and fix the boundaries thereof and locate school houses, of all public schools in the county outside of municipal separate school districts; (2) Consolidate schools, and provide for transportation as prescribed by law; (3) Have control of the County Agricultural High Schools each County School Commission constituting the board of trustees of the County Agricultural High School; (4) With the advice of the County School Supervisor, to regulate the number of grades which may be taught in each county public school; (5) On approval of the County School Supervisor, to employ and dismiss when incompetent, all teachers in the public schools outside of the municipal school districts, and to prescribe rules and regulations for the conduct of the teachers and pupils; (6) To decide the number of teachers to be employed in each school, on the general basis of one teacher for each thirty-five pupils or fraction thereof in actual attendance, except under certain conditions when one teacher may be allowed for every thirty pupils; (7) To submit to the Board of Supervisors in due time a financial budget showing the amount of county funds necessary to maintain the public schools of the county for a term not less than two months in each scholastic year, in addition to the four months provided for by the state or to supplement state funds during the four months; (8) To perform such other duties as may be prescribed by law, or may become necessary for the welfare of public education in the county.[94]

For the elective County Superintendent of Education the proposed plan would substitute a County School Supervisor appointed by the County School Commission. This phase of the proposed law was based upon a practical consideration, viz., that the duties of the county school administrator are of such nature as to require a person of special professional training rather than one whose chief ability lies in his proficiency in catering to the whims of the electorate. The examinations for would-be county superintendent of education in the state, as provided in the present laws have never been rigidly enforced. The percentage of failures recorded on these examinations is practically nil. The political exigencies of the situation would naturally bring about this result, for the office of county superintendent is looked upon as strictly elective, and inasmuch as the electorate which places the State Superintendent in office is merely the sum total of the electorate of the various counties it behooves the State Superintendent, who appoints the State Board of Examiners not to have any great number of disgruntled office seekers throughout the state.[95] The fault lies in the system and not in the persons concerned therewith; for the requirements of the examinations are perhaps not of such nature that the great majority of candidates for county superintendent would not qualify; but the arrangement as it stands at present is almost wholly a matter of form, and should either be abolished or strengthened. The proposed reorganization would make an attempt to combine the advantages accruing from local election on the one hand and selection based upon personal qualifications on the other; the elective County School Commission representing the former; the appointive County School Supervisor representing the latter.

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[94] See Ch. 3, Section 19 of the proposed law.

[95] Compare the difference between the method and procedure in examining candidates for county superintendent of education and in examining candidates for state bank examiners. See infra., pp. 167-169.

The County School Supervisor under the suggested plan would be named by the County School Commission. He need not be a resident of the county in which he is selected to serve as school supervisor, but it would be required that he be a resident citizen of the state of Mississippi and "a teacher of proven ability who holds a certificate from the State Board of Examiners setting forth the fact that his qualifications meet all the requirements of the State Board of Examiners."[96] The Supervisor would serve as executive secretary of the county school commission,[97] and he would not be permitted to teach while holding the office of county school supervisor.[98] It would be unlawful for the county supervisor to speculate in teachers' warrants.[99] Under the law the county school supervisor nor the trustees of any school districts should not contract with a teacher who did not hold a license valid for the scholastic year in which the school is to be taught, and of a grade sufficiently high to meet the requirements of the school.[100] The other requirements in the proposed law as to the duty of the county school supervisor were, in general, the same as performed by County Superintendent of Education under the present plan.[101]

To the extent that a rigid classification is possible, there are four kinds of public schools in Mississippi, viz., the Common County School without a tax levy, the Common County School with a tax levy, the Consolidated School, and the Separate District School. The last named remains to be examined. These schools form an important part of the common school system of Mississippi. They are usually graded schools, and in addition to their work as primary schools the higher branches are taught in most instances. Speaking of separate district schools Judge Mayes says:[102] "The act of 1870 provided that 'any incorporated city containing more than 5,000 inhabitants should constitute a separate school district.' By the Revised Code of 1871 this privilege was further extended to cities having more than 3,000 inhabitants and the administration of the separate schools committed to the city officials. In April, 1873, this privilege was extended so as to embrace cities of more than 2,000 inhabitants; and finally, in 1878, so as to include cities of more than 1,000 inhabitants." The Separate District approved April 6. 1916[103] to amend the various sections and chapters of laws pertaining to separate school districts so as to harmonize conflicts, and to provide for transportation into separate districts. On the subject of the organization of separate districts the law provided that "Any municipality, by an ordinance of the mayor and board of aldermen thereof, or any incorporated district with an assessed taxable valuation of not less than two hundred thousand dollars ($200,000.00), or any incorporated district of not less than sixteen square miles, by the county school board or county school boards, on a petition by a majority of the qualified electors therein, may be declared a separate school district, but shall not be entitled to the rights and privileges of a separate school district unless a free public school shall be maintained therein for a term of at least seven months in each scholastic year; provided, that there is an average attendance of twenty-five pupils."[104] The law prescribed in minute detail the conditions under which territory may be added to or released from municipal separate school district.[105] The regulations applying to the procedure in providing for the tax levy and bond issue by municipal separate districts is likewise definitely prescribed in the statutes.[106] The consolidation of municipal separate school districts is permissible under the law. Where two or more municipalities lie adjacent to or near each other and desire to form and maintain a joint separate school district they are allowed to do so. The law specifies the procedure to be followed in the formation of such separate school districts.[107] The administration of such separate school districts is placed in the hands of board of five trustees "to be elected on the second Monday in April or at the first regular meeting prior thereto, the said trustees to be apportioned between the said municipalities according to the number of educable children in said entire separate school district, the board of mayor and aldermen or commissioners of each municipality to elect the number of trustees to which it is entitled. All the schools of a separate school district are placed under the control of five trustees, "elected in a municipal separate school district by the board of mayor and aldermen." For the rural separate school districts the county superintendent is given authority to appoint the trustees, but when a majority of the qualified electors of a rural district petitions by the first day of April for the appointment of certain patrons as trustees, the county superintendent must appoint those recommended.[108] For the separate school districts known as a "line" separate school district, that is, lying in more than one county, the trustees are appointed by the county superintendent of the county in which the school building is situated.[109] The separate district trustees are chosen for a term of three years, two being chosen each year for two successive years, and one the third year, as vacancies occur. The powers and duties of the trustees of separate school districts are definitely prescribed by law.[110]

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[96] Sec. 22, Ch. IV, of the proposed law.

[97] Ibid., Sec. 24.

[98] Ibid., Sec., 25.

[99] Sec. 27, Ch. IV, of the proposed law.

[100] Ibid., Sec. 28.

[101] Ibid., Sec. 26. See Biennial Rpt. State Supt. Ed., 1915-1917, pp. 6-7 for account of an experiment on county supervision of schools carried on with the help of Gen. Ed. Board of N. Y. C., in Pearl Piver County.

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[102] History of Education in Miss., pp. 287-288.

[103] H. B. No. 161, Sections 1-11, inclusive, Laws of 1916.

[104] H. B. 161, Section 1, inclusive, Laws of 1916.

[105] Ibid., Section 3.

[106] Ibid., Sections 4 and 5.

It is provided for the regular school districts, which it will be remembered embrace the whole territory of the county outside the separate school districts, that their administration shall be by three trustees, each to be chosen for a term of three years, but so chosen that one will be selected every year. The law requires that they be "persons of good character, patrons of the school, and able to read and write.''[111] These trustees are elected by the patrons of the school, which is not the case in the separate school districts. The law prescribes the time and the manner of conducting elections for district school trustees,[112] and how vacancies shall be filled.[113] The trustees must meet annually on or before July fifteenth to elect teachers, and in case they fail to do so the county superintendent is authorized to appoint a licensed teacher and have the school taught during the winter term.[114] They must examine carefully the enumeration of educable children who attend the school, as such enumeration is the guide of the county superintendent in determining the salary of teachers for the ensuing year.[115] The law prescribes the other duties of the district school trustees as follows: ''The trustees may suspend or expel a pupil for misconduct, and shall look after the interests of their schools, visit the same at least once during each month by one or more of their number, see that fuel is provided, protect the school property and care for the same during vacation, and arbitrate difficulties between teachers and pupils; but either party feeling aggrieved by their decision may appeal to the county superintendent, and from him to the state board of education. And the trustees may make provision for the comfort and welfare of the pupils; but the same shall not involve an expenditure of money not already appropriated for the purpose by the proper authorities.''[116]

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[107] Ibid., Section 6.

[108] Laws of 1916, H. B. No. 161, Sec. 9.

[109] Ibid.

[110] Code 1906, Ch. 125, Sec. 4525, as amended in 1916, H. B. 161, Sec. 10, approved April 6, 1916.

A study of the school laws of the state reveals the fact that from the first attempt to establish a school system it was recognized that some special test of the fitness of teachers should be required. Until the school law of 1870 was enacted the tests given teachers were of a very superficial sort, and until that time the examining of teachers, where it was done at all, was left entirely to local officers. Likewise during the reconstruction period until the overthrow of the carpet-bag government in the state, the examination of teachers amounted to little. Speaking of conditions during the reconstruction period Miss Timberlake[117] says, "Examinations were a mere farce, held orally by the county superintendent. He asked what questions he pleased, suiting them generally to the ability of the teacher whom he wished to put in charge of the school." Dr Rowland says of the period prior to the law of 1870, "Before this law went into effect almost any one who applied was licensed to teach. At the first state examination 70 per cent. of the applicants fell below grade. But improvement soon followed, in the midst of violent remonstrance."[118] The law of 1870 marks the beginning of a better method of securing teachers; later, the establishment of normal schools, and departments of education in the state university and colleges, gave an additional impetus to the move for better prepared teachers; and under the present plan of centralizing in the hands of state officials the responsibility of examining and licensing teachers the schools of the state are assured at least reasonably well trained teachers. The curriculum of the free public schools of the state is fixed by law,[119] and the examination for teachers' license is predicated upon the studies required to be taught in the public schools. It is unlawful for a county superintendent or trustee of a separate school district to employ a teacher who does not hold a license valid for the scholastic year in which the school is to be taught, and of a grade sufficiently high to meet the requirements of the school.[120] Good moral character and "ability to govern a school" are made requirements, in addition to qualifying on the examination, for those seeking license to teach.[121] Teachers' license that are granted in the state under the present laws are (1) first grade license, (2) second grade license, (3) third grade license, (4) license to teach special subjects, (5) State license, (6) professional life license, and (7) license for Agricultural high school teachers. The State Board of Education and the State Board of

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[111] Code 1906, Ch. 125, Sec. 4518.

[112] Ibid., Sec. 4519.

[113] Ibid., Sec. 4520.

[114] Miss. Code 1906, Ch. 125, Sec. 4522.

[115] Ibid., Sec. 4523.

[116] Ibid., Sec. 4524.

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[117] Vol. XII, Pub. Miss. Historical Society, p. 90.

[118] Ency. Miss. History, Vol. II, p. 620.

[119] Code of 1906, Ch. 125, Sec. 4540, as amended by legislature of 1916.

[120] Code of 1906, Ch. 125, Sec. 4541.

[121] Ibid., Sec. 4542.

Examiners are responsible for the licensing of all teachers in the state. The State Board of Examiners makes out all examination questions and issues regulations governing examinations.

To obtain a first grade license, the applicant must be examined on spelling, reading, practical and mental arithmetic, composition, United States history, history of Mississippi, elements of agriculture, civil government, elements of physiology and hygiene, with special reference to the effects of alcohol and narcotics on the human system, theory and practice of teaching, elementary algebra, advanced English, general science, modern history, and such other subjects as the board of education may prescribe.[122] The subjects prescribed by law for those seeking second grade license are as follows: spelling, reading, writing, mental arithmetic, practical arithmetic, elementary geography and composition, United States history, physiology, history of Mississippi, civil government and elementary agriculture.[123] To obtain a third grade license the applicant must be examined on the subjects required for second grade, and must make an average grade of not less than sixty per cent. with not less than forty per cent. on any subject.[124] The state board of education, on the approval of the state superintendent of education, is authorized to provide examinations and make regulations for licensing teachers in music, manual training, domestic science, and of such other subjects as may be deemed necessary.[125] A general average grade of seventy-five per cent on any subject, is required of the applicant for first or second grade license. Licenses of second and third grade are valid for one year. Licenses for the first grade, with a general average of eighty-five per cent., are good good for two years, and with a general average of ninety per cent., are good for three years. The second three years' license obtained after the expiration of the first is renewable in the county where issued as long as the holder continues to teach; but any teacher who has taught under a first grade license for five years consecutively is exempt from further examination.[126]

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[122] Code 1906, Ch. 125, Sec. 4543. Theory and practice of teaching added September 1917; advanced English, general science and modern history added September 1918.

[123] Code 1906, Ch. 125,Sec.4543.

[124] Ibid., Sec. 4544.

[125] Ibid., Sec. 4543.

Any teacher may secure a state license by passing a satisfactory examination in the presence of the county superintendent, or other authorized agent of the state board of examiners, on the same subjects given on the first grade license examination, provided applicants have their examination papers forwarded to the state board of examiners. Such license is valid for one, two or three years according to the value of the applicant's paper. Any applicant who receives the second three years' state license from the state board of examiners is exempt from further examinations, and the state license is valid in every county in the state. The state board of examiners may revoke licenses "for cause and where teachers discontinue to teach."[127] A license secured in one county may be transferred to another county, thereby taking on the nature of a state license. The law provides that a teacher holding a license in one county and wishing to transfer to another county may direct the superintendent of education of the county where the examination was held to forward the examination papers and the license issued thereon to the state board of examiners, and if the grading of the county board is sustained by the state board of examiners, the license may be transferred to any county which the applicant may designate. Applicants for transfer license are required to pay a fee of one dollar and fifty cents to the state board of examiners for grading their papers.[128]

In regulating the issuance of professional life license the law gives to the state board of education the power to issue such license to teachers of "recognized ability, moral character and scholarly attainments," who pass a satisfactory written examination, held as prescribed by the board, on algebra, geometry, physics, rhetoric, English literature, the elements of botany and chemistry, the science of teaching, civil government and

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[126] Laws of 1916, S. B. No. 560, Sections 1-6, inclusive, approved April 3, 1916.

[127] Code 1906, Ch. 125, Sec. 4553.

[128] Code 1906, Ch. 125, Sec. 4550.

Latin, through Caesar and Virgil. The law specifies that "the manuscripts of examination shall be kept on file in the office of the state superintendent, and the licenses shall be valid for life in any part of the state."[129]

The legislature of 1916 passed an act authorizing the state board of examiners to issue professional license to granduates of certain institutions of higher learning in the state of Mississippi; to provide for the issuance of teachers' licenses to holders of certificates in other states and graduates of colleges of other states; and to authorize the extension or renewal of licenses in certain cases.[130] Under this law the state board of examiners is authorized to grant teachers' professional licenses without further examination to graduates of the University of Mississippi, the Agricultural and Mechanical College, the collegiate and normal department of the Industrial Institute and College,[131] and of "such other institutions of higher learning in the state as may maintain a standard four year college course approved by the state board of examiners," provided such graduates have successfully passed nine hours of college work in education designated and approved by the state board of examiners.[132] The state board of examiners is authorized to issue teachers' license to holders of certificates in other states and graduates of colleges in other states, provided that "the certificate, license or diploma shall have been originally issued in consideration of qualification at least equal to those required for a certificate of the same grade'' in the state of Mississippi. The time for which such licenses are valid may be determined by the state board of examiners.[133] The state board of examiners is given authority to ''extend or renew consecutively from year to year a period of one year at a time and for a total of not more than four consecutive years, any first grade license or second grade license; provided, that the holder of such certificate shall have attended some institution of higher learning, or summer school, for at least six weeks and shall have pursued a course of professional study designated and approved by the state board of examiners during the next year preceding the one for which extension of license for one year is sought to be granted.''[134]

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[129] Laws of 1908, Ch. 201, H. B. No. 180, Sec. 1. The 1908 act amended section 4555 of the Code of 1906 by adding physics to the subjects on which a person must pass a satisfactory examination before being awarded professional license.

[130] Laws of 1916, S. B. No. 560, Sections 1-6, inclusive, approved April 3, 1916.

[131] See Laws of 1912, S. B. No. 420, Ch. 163, Sec. 1, for conditions under which graduates of the Industrial Institute and College were entitled to professional teachers license prior to the law of 1916.

[132] Laws of 1916, S. B. No. 560, Sec. 1. The state board of examiners is authorized to grant state license to students who have finished the sophomore year in any college in the state requiring 14 Carnegie units for entrance to freshman class, provided such students have finished six session hours in education. The license is valid for two years and may be renewed as other licenses are renewed. See Laws of 1918, Ch. 226, p. 286.

All teachers in county agricultural high schools are required to pass an examination in the free school studies and in addition thereto an examination on the subjects they are required to teach in the agricultural high schools. These examinations are held at the same time and place and under the same regulations as required of other applicants to teach in public schools.[135]

Although the county superintendent is charged with the duty of fixing the amount of teachers' salaries, except in separate school districts, there is a statutory limit beyond which he may not go in determining salaries. For a third grade teacher, the salary limit is set between fifteen and twenty dollars; for a second grade teacher, between eighteen and thirty dollars; for a first grade teacher, between twenty-five and seventy-five dollars. It is provided, however, that in counties having a surplus in the school fund the county superintendent of education may pay teachers in schools employing two or more teachers ''as much as one hundred dollars to the principal and sixty-five dollars to the assistant teachers,'' but such salaries continue only so long as the counties may have an unexpended surplus in the school fund.[136] In fixing teachers' salaries the county superintendent of education is further restricted, as follows: "In fixing the salary the superintendent must take into consideration the executive and teaching capacity of the teacher, and the size of the school, to be determined both by the educable population of the district and the average attendance of the two preceding years. The salary of the assistant shall not exceed more than five dollars the minimum fixed for the grade of license he holds, if the teacher be of the second or third grade, but the salary of any assistant may be lower than the minimum. In schools requiring more than one teacher, the salary of the principal shall be regulated so that the cost per pupil shall not materially vary from the average cost of pupils in schools with single teachers. This section shall not be construed to prohibit the employment of competent teachers of the several grades for less compensation than that mentioned.[137] The salaries of principals and assistant teachers in separate school districts are fixed by the trustees.[138] County superintendents are required to see that monthly salaries of teachers are always proportioned to the whole school fund, i. e., the amount paid in salaries for maintaining all the schools one month must not exceed that fractional part of the whole school fund which one month is of the whole number of months the schools are to be taught.[139] The law specifies the conditions under which the county superintendent may provide for assistant teachers in the county schools.[140] It is unlawful for a teacher with a third grade license to be principal of a school which requires an assistant; and in schools requiring more than two assistants, the principal must have a first grade license.[141] All teachers are required to make a contract signed in duplicate by himself and the county superintendent.[142]

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[133] Laws of 1916, S. B. No. 560, Sec. 2.

[134] Ibid., Sec. 3.

[135] Laws of 1914, Ch. 185, H. B. No. 153, Sec. 1.
See Bul. No. 12, State Dept. Ed., July 1919, pp. 38-40.

[136] Code 1906, Ch. 125, Sec. 4556; also, see Laws of 1904, Ch. 166.

Under the direction of the state board of education, a teachers' institute for each race, separately, is held each year in the several counties of the state, or in such groups of counties as the state board of education, with the consent of the county superintendents, may designate. Under the terms of law each teachers' institute must continue in session not less than five days.[143] The State Board of Education, with the approval of the county superintendents, is charged with the duty of appointing "persons of recognized ability to conduct and teach said institutes.[144] The State Board of Education prepares outlines for the work and prescribes regulations for the management of the institutes. Reports are made to the state board of education by the institute conductors.[145] The county superintendents collect the institute funds from teachers, and a deficit in the institute funds not in excess of $55 for one scholastic year, may be made up from the common school found of the county, and this is done by the state superintendent authorizing the county superintendent to issue a pay-certificate on the common school fund of the county.[146]

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[137] Code 1906, Ch. 125, Sec. 4556; Laws of 1904, Ch. 166.

[138] Ibid.

[139] Code 1906, Ch. 125, Sec. 4557.

[140] Ibid., Sec. 4558.

[141] Ibid., Sec. 4559.

[142] Ibid., Sec. 4560.

A great tendency toward centralization in the administration of public education in Mississippi can be traced to the development of methods of selecting text-books for use in the public schools of the state. For many years after the public school system was established in the state there was no adoption of a uniform series of text-books for use in the schools. The matter was left entirely to the various counties and even different localities of counties in the state. From the time of the enactment of the first important school law in the state, 1846, down to the passage of the school law of 1870 the matter of selecting text-books was, to all practical purposes, in the hands of the local school authorities. In the Revised Code of 1871, which substantially reenacted the school law of the preceding year, one of the "powers and duties of each board of school directors," which corresponds to the present county school boards, was stated as follows: "The board of school directors of each school district shall prescribe a uniform series of text books, to be used in the schools throughout the district * * * * "[147] The first strong demand for a uniform system of text-books for the whole state came just prior to the outbreak of the civil war, when there was a demand for Southern text-books, due to the fact that the complaint was frequently made that "with the growth of the abolition sentiment in the North, ideas repulsive to the people of the South began to find their way into the text-books of the country."[148] Nothing, however, was accomplished toward securing the adoption of a uniform state system of text-books prior to the outbreak of the civil war, nor for some years after the close of the war. There was no state uniformity brought about by the law of 1870, although requiring county authorities to select books was a step toward centralization, in view of the absence of even that much uniformity in the earlier years. After 1870 there were suggestions from time to time indicating a desire for, and enumerating the advantages to be derived from having uniform text books for the public schools. Little was done until 1890, when the legislature passed a statute providing for the adoption of uniform text-books by counties. Under this law each school board in the state, at their August meeting in the year 1890, was required to appoint five teachers of recognized ability, one from each supervisor's district, and the county superintendent two from the county at large, to constitute a committee for the selection of a uniform series of text-books. The committee elected its own president, and the county superintendent of education was made ex-officio secretary of the committee.[149] It was required by law that the committee obtain from leading firms of school book publishers sample copies of text--books, and price lists for exchange, introduction and permanent supply.[150] The law specified that on the first Monday in October, 1890, the text-book committees should meet at the court house of their respective counties and select one text-book for each branch enumerated in the curricula of the public schools of the state.

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[143] Code 1906, Ch. 125, Sec. 4587.

[144] Ibid., Sec. 4588.

[145] Ibid., Sec. 4589.

[146] Ibid., Sec. 4592.

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[147] Revised Code of Miss., 1871, Ch. 39, Sec. 2014, paragraph 6.

[148] F. L. Riley, School History of Miss., pp. 249-250. Reference to Rev. C. K. Marshall, of Vicksburg, who led this movement.

[149] Laws of 1890, Ch. 72, Sec. 1.

[150] Ibid., Sec. 2.

Notice of the selection should be published by the county superintendent four consecutive weeks in a newspaper published or circulated in the county. Every fifth year after the year 1890, it was the duty of the school board to provide for the adoption of a uniform series of text-books, as provided by the law.[151] The county superintendent was required to make contracts with the publishers of such books adopted by his text-book committee. It was the duty of the county superintendent when visiting schools to see that only the adopted text-books were being used.[152] Under this law, not only was it possible to have as many series of text-books as there were counties in the state, but as many as there were counties plus separate school districts. For it was provided that in towns which were separate school districts (i. e., towns of over 1,000 population, by the laws of 1878) it should be the duty of trustees to adopt a uniform series of text-books for use in the schools of the town, which series when adopted should continue in use four years. Authorities were not permitted to change the books of more than one branch a year under any circumstances.[153]

The amount saved on the price of school books seemed to be more the purpose of the law of 1890 than securing uniformity of courses of study in the various public schools of the state. In his biennial report of 1892 Superintendent J. R. Preston said of the law:[154]

> "The statute passed in 1890, providing for the adoption of uniform text-books by counties, went into effect with very little friction, and it is reported by the county superintendents to be an excellent educational move.
>
> "The prominent features of the law is that it places in competition the two margins of profits on books.
>
> "1. It forces publishers to compete with each other by requiring them to fix the price at which they will sell their various books to retail dealers.
>
> "2. It leaves retail dealers, or merchants of any kind, in open competition with each other, and by publishing the prices that retailers must pay for the books, the people are informed of the cost of each

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[151] Laws of 1890, Ch. 72, Sec. 3.

[152] Ibid.. Sec. 4.

[153] Ibid., Sec. 5.

[154] Miss Dept. Reports 1890-91, Biennial Report of the State Supt. of Education for the scholastic years 1889-90 and 1890-91, p. 27.

book and may thus determine the per cent. of profit the retailer makes.

"Under the operation of the law our school books cost at least twenty per cent. less than formerly; and we have all the advantages of uniform text-books, as viewed from a purely educational standpoint."

From 1890 until 1904 but little was accomplished toward securing a uniform system of text-books for the whole state. In 1904 there was passed by the legislature an act to create a text-book commission and to procure for use in the public schools of the state a uniform system or series of text-books; to define the duties and powers of the text-book commission and other officers; to provide punishment and penalties for the violation of the provisions of the statute.[155] Under this act the governor appointed eight educators "of known character and ability in their profession, and engaged in public school work as teachers, not more than one to be selected from each congressional district," who with the state superintendent of education should constitute the text-book commission of Mississippi.[156] The act provided that the books adopted as a uniform series should be introduced and used as text-books "to the exclusion of all others in the public schools of this state.[157] The books thus adopted were introduced at the beginning of the session of 1905-1906. The act of 1904 did not prevent the use of supplementary books, but it was specified that "such supplementary books shall not be used to the exclusion of the books adopted under the provision of this act." It did not prevent the teaching in any of the public schools of the state any branch higher or more advanced than the branches embraced in the provisions of the act,[158] and in using such courses any text-books, provided that no higher branch should be taught to the exclusion of the branches mentioned in the law.[159] The act made it mandatory for all teachers to use the adopted text-books in all public schools of the state; for it was provided "That any teacher who shall use or permit to be used in his or her school any text-book upon the branches embraced in this act or other than the ones adopted by said text-book commission upon said branch as hereinbefore provided, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided for in section 12 of this act.''[160] By section 12 of the act the punishment for the violation of the act was by a fine of not less than ten dollars nor more than fifty dollars.

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[155] Laws of 1904, Ch. 86, S. B. No. 31, Sections 1-23, inclusive, approved March 19, 1904.

[156] Laws of 1904, Ch. 86, S. B. No. 31. Sec. 1.

[157] Ibid., Sec. 11.

[158] Ibid., Sec. 1.

[159] Ibid., Sec. 11.

The State Text-book Commission during the fifteen years of its existence has accomplished great good in bringing about uniformity of courses and of purpose in the public schools of the state. The patrons of the schools have been saved an appreciable amount in the price of school books, and in the additional expense incurred by those people who moved from one section of the state to another when local authorities selected the school books in each county. The law of 1904, as amended, stands at the present time. In 1912 the legislature passed an act making it unlawful for the text-book commission to change more than twenty-five per cent of the books in use at any regular state adoption.[161] The legislature of 1916 passed an act[162] to provide for the adoption and purchase of school text-books for agricultural high schools, separate school districts, county public schools, not otherwise provided by law; to require all publishers to file sample of all books to be sold with the state superintendent of education; to require all publishers to sell school text-books to public authorities at not more than 75 per cent of the price list; and to require publishers to give bond to the state, and to provide punishment and penalties for the violation of the act. The part of this law dealing with the requirements of publishers who sell books in the state was designed to meet practical situations which had arisen prior to the passage of the regular statute. Three provisions of the 1916 law should be noted. First, the law provided that each county school board and the board of trustees of each separate school district in the state should hold a regular annual meeting, ''until a complete list of school text-books is adopted covering the whole course of study, not otherwise provided by law,'' to determine which of the books (filed by publishers as provided by law) should be used in the schools under its control, ''it being distinctly understood that such list of books selected by the county school boards shall apply to all public high schools in the county except separate school districts and agricultural high schools; provided, that the county school board shall make selection of books from a list recommended by a committee of five high school teachers appointed by the county superintendent of education.''[163] Under this statute, as under the law providing for the selection of text-books in the common branches for the grades below the high school, the text-books selected must be used for a period of five years after the date of the selection and adoption.[164] Secondly, the law provided for the way in which text-books for agricultural high schools should be selected. It was made the duty of the state superintendent of education to appoint four agricultural high school principals or teachers, who, with himself, should constitute a committee to select a uniform course of study for the agricultural high schools of the state. It is made obligatory upon the agricultural high schools to use the text-books selected by this committee. The law prescribed that the price and manner of handling and adopting books for separate school districts and other high schools should apply to agricultural high schools also, except books on agriculture and other industrial subjects. Thirdly, the law makes specific regulations governing the conditions under which publishers of text-books are permitted to sell books for use in the public schools of the state,[165] as well as regulates the methods to be followed by retail dealers in public school books.[166] Although the policy of furnishing free text-books has not been adopted as a state plan in Mississippi, by the law of 1916 it is provided that the school board of any county or separate school district in the state may furnish free text-books to the pupils in the schools under its control, or may buy books and rent them to pupils in the schools under it control.[167]

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[160] Ibid., Sec. 13.

[161] Laws of 1912, Ch. 168, H. B. No. 124, Sec. 1.

[162] Laws of 1916, Ch. 179, S. B. No. 356, Sections 1-18, inclusive, approved April 6, 1916.

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[163] Laws of 1916, Ch. 179, S. B. 356, Sec. 7.

[164] Ibid.

[165] Laws of 1916, Ch. 179, S. B. No. 356, Secs. 1, 2, 3, 4, 6, 9, 14, 15.

[166] Ibid., Sec. 11.

Along with the school, the college, and the university, the public library is one of the means of promoting the general diffusion of knowledge and learning. The public library is an essential part of any well-ordered system of public education. Though the development of public libraries in the state of Mississippi has not kept pace with the development of public schools the public library move began simultaneously with the beginning of statehood; for the state legislature by a joint resolution in 1817 authorized the secretary of state to purchase for the State such books as the secretary of the Territory was required to purchase.[168] The State Library was established by an act of the legislature February 15 1838, and a librarian, who was also in the early period of the office custodian of the capitol, was appointed. The library was at first under the management of trustees, and a library committee of the legislature was called upon at times to pass on the purchase of books. "In 1891 the State Library," says Dr. Rowland "was, according to the New York World, 'the second in value of its kind in the Union, the Massachusetts library only outranking it,' having reference to its superiority as a law reference library."[169] The State library now contains over 90,000 volumes, including law reports and public documents. Section 106 of the Constitution of 1890 provides that "There shall be a state librarian chosen by the legislature, on joint vote of the two houses, to serve four years, whose duties and compensation shall be prescribed by law. Any woman, a resident of the state four years, and who has attained the age of twenty years shall be eligible to said office." The duties of the state librarian are prescribed by law.[170] The governor, judges of the supreme court, and attorney-general constitute the trustees for the state library.[171] The state librarian, with the approval of the governor, appoints the assistant librarian.[172] The Jefferson Military College Library was established in 1820, and the University of Mississippi Library in 1849, but according to a recent library survey,[173] "with one or two exceptions, public libraries have had their beginning in Mississippi since 1900." In 1916 the twenty public libraries in the State contained 62,491 volumes and 2,170 pamphlets.[174] Twelve towns in the state have received library grants from the Carnegie Corporation, by meeting the requirements of the corporation that in order to secure the donation a municipality or county must furnish the building site and an annual support equal to ten per cent. of the original gift for the building.[175] Of the College and Preparatory School libraries in the state there are 218,072 volumes and 17,863 phamphlets in the twenty-five institutions for whites and the five negro institutions, as reported in the 1916 survey.[176] The report showed in the forty-one county agricultural high school libraries were 5541 volumes and 1280 pamphlets; in the 126 High Schools other than county agricultural high schools, 58,427 volumes and 904 pamphlets; in the separate districts not carrying high school instruction, fourteen schools reported 936 volumes and 100 pamphlets; in 79 counties the 1171 common school libraries, as reported by county superintendents of education, contained 46,646 volumes accounted for, but this number of volumes was for 54 counties, 25 of the counties having failed to report the number of volumes. It is interesting to note in connection with these common county school libraries, as small and inadequate as they are, that of the 1171 reported only 412 received county aid.[177]

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[167] Ibid., Sec. 7.

[168] Rowland, Ency. Miss. History, Vol. II, p. 104.

[169] Ibid., p. 105.

[170] See Code 1906, Ch. 130, Sections 4717-4736, inclusive.

[171] Ibid., Sec. 4723.

The state legislature has not seen fit to enact laws for establishing public libraries in the various counties of the state, as has been advocated by many leading educators in the state. The law at present merely provides that when any public school in the state raises ten dollars by subscription and otherwise for a school library, "and furnishes a suitable bookcase with lock and key," the county superintendent of education may issue his certificate for ten dollars in favor of the school, to be paid out of the common school fund of the county. The law says furthermore, "In no case shall the amount given by the county in any year exceed one hundred dollars; provided, that no school shall receive the school donation from the school fund for library purposes so long as there are any new applications from schools that have not been supplied."[178] The law makes it the duty of the county superintendent of education to name two first grade teachers, who, together with himself consitutes the county library commission. It is the duty of the county library commission to name a list of books suited for school libraries, and all books purchased under the statute giving county aid to school libraries must be selected from the list made by the county library commission. Each county library commission makes rules and regulations to govern the use of school libraries of the county, and names a local manager for each library, who is required to make a report every year to the county commission of all books purchased during the year, of the money on hand at the time of the report, and of the amount expended for library purposes. The county superintendent keeps a list of books purchased by the several libraries of his county and makes a library report to the state superintendent of education biennially with the county school report.[179]

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[172] Ibid., Sec. 4726; also, Laws of 1918, Ch. 145, S. B. No. 28, Sec. 1.

[173] Bulletin of the Miss. Agricultural & Mechanical College, The Library Situation in Miss., by Whitman Davis, 1916, p. 37.

[174] Nineteen of these libraries for whites; one, Meridian Public Library No. 2 for negroes. See Bulletin, 1916, Whitman Davis, p. 7.

[175] See p. 7, Bulletin Miss. A. & M. College, 1916, Davis, for a list of these towns.

[176] Ibid., p. 12.

[177] Bulletin, Miss. A. &. M. College, 1916, Davis, p. 37.

An interesting feature of public library work in the state is carried on by the Service Bureau of the Mississippi Agricultural and Mechanical College. The Package Library Department of the Service Bureau is organized for the purpose of collecting package libraries of material on important questions and loaning them to people in all parts of the state. As stated by the Service Bureau, on account of the scarcity of public libraries throughout the state, it has heretofore been very difficult for debating societies, clubs, teachers, and other organizations and individuals to obtain material for the study and discussion of topics of current interest. The package libraries are loaned to any citizen of the state, the only cost being the payment of postage back to the Service Bureau.[180]

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[178] Code of 1906, Ch. 125, Sec. 4629.
[179] Ibid., Sec. 4630.

With practically no system in the control of school libraries, great waste and indifference is but the natural result. In offering for the consideration of the state legislature a County Free Library Law, Whitman Davis says:[181]

> "The county free library law would seem to provide the most feasible library system for Mississippi. With the county as the unit, the Legislature would not be called upon to make any appropriations other than the small amount to pay the necessary traveling expenses of the state librarian and the State Board of Library Examiners. Whenever any county should decide that it needed and wanted library facilities for its people, under the county free library law it could establish a county library at the county seat, which would, through branch libraries and deposit stations, furnish books to all the people in the county. The school buildings could be made deposit stations for the schools and the books changed as often as desired. The county library could take over the school libraries and, in return, could give every small school the advantage of a large library."

With the endorsement of the State Library Association and the State Teachers' Association, the draft of a county free library law, very much the same as the one in operation in California except for changes made to suit conditions in Mississippi, was presented to the legislature of 1916. The legislature of 1916 did not enact the law, and a similar bill failed of passage in the legislature of 1918. Under the proposed law the board of supervisors of the several counties would have power to establish and maintain within their respective counties county free libraries, provided the consent of the electors of the county be given; there would be a county library board consisting of five members appointed by the board of supervisors; and the county library board would name a county librarian. There would be a State Board of Library Examiners, with the State Librarian ex-officio chairman. The State Librarian would have general supervision of all county free libraries. The law would provide an extra levy on certain property of the county.[182]

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[180] Bulletin Miss. A. & M. Coll., Package Libraries, Sept. 1918. p. 1.

[181] Bulletin Miss A. &. M. Coll., 1916, p. 39.

In any system of universal education provision must be made for the instruction of the youth, who, for one reason or another, do not participate in the advantages offered in the ordinary public schools. With comparatively few Indians now left in the State of Mississippi it is scarcely necessary to provide special schools for Indian children.[183] The law provides, however, that in a county where there are Indian children sufficient to form a school, the county school board may locate one or more schools exclusively for Indians The state board of education is authorized to provide special license for teachers in Indian schools that may be provided under the statute.[184] The deaf, dumb and blind constitute a special class for which provision must be made in a program of public education. The constitution of Mississippi[185] makes it the duty of the legislature to provide by law for the support of institutions for the education of this class of people. The constitutional mandate has been met by the legislature in providing for the instruction of the deaf and dumb and of the blind. The Mississippi Institution for the education of the Deaf and Dumb meets the demands of the former class; the state Institution for the Instruction of the Blind, the latter. The institution for the instruction of the deaf and dumb is located in the city of Jackson, and is supported by the state. The institution is open to the deaf-mutes of the state who are desirous of receiving an education; provided "they are of good moral character, of sound mind and free from contagious and infectious diseases." Parents are urged to enter their children by the time they are eight years old. Boarding, tuition, books and medical attention are furnished by the state. To the very poor, clothing and transportation are supplied free, but in order to secure this benefit the superintendent must have a certificate, signed by some proper officer or some other evidence, of the pupil's indigency.[186] The institute for the education of the deaf and dumb is administered by a Board of Trustees and a Superintendent, which officers are appointed by the governor, with the governor as ex-officio president of the board. Provision is made, in separate departments, for the members of both races. The institution for the instruction of the blind is also administered by a Board of Trustees and a Superintendent, appointed by the governor who is ex-officio president of the board. The institution is state supported, and is open to the blind youth of the state.

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[182] For a draft of the proposed law, See pp. 40-45, Bulletin, Miss. A. & M. Coll., 1916, Davis.

[183] There is an Indian school at Union, Miss.; See Laws of 1918, Ch. 193, pp. 87-88, H. B. No. 180, appropriating $500 for support and maintenance of this school.

[184] Code of 1906, Ch. 125, Sec. 4562.

[185] Constitution of 1890, Sec. 209.

By an act of the legislature of April 5, 1916 there was established the Mississippi Industrial and Training School, a school for delinquent and pauper children of the state less than eighteen years old.[187] By the terms of the act establishing the institution the sum of twenty-five thousand dollars was appropriated to be used for the purpose of erecting buildings, buying land, and equipping the school.[188] Provision was made for a board of trustees to govern the institution.[189] The 1918 legislature appropriated for the "support, maintenance, repairs and permanent improvement" of the school for the years 1918 and 1919 a total of $147,387.00.[190]

There has been a decided tendency toward centralization of administration in the financing of public education in Mississippi. The chief sources of revenue for educational purposes in the United States are from (1) invested funds, (2) state taxation, and (3) local taxation. "Besides several minor sources, the public schools of the various states," say Professors Dutton and Snedden,[191] "derive their chief revenue from three directions: income on permanent funds, largely created by lands donated to the states by the national government; state taxation; and taxation in local areas under authorization of state law.'' The chief sources of school revenue in Mississippi are (1) invested funds, (2) state taxation, (3) local taxation, and (4) federal funds. The financing of public education is given a prominent place in the Mississippi constitution of 1890. First, provision is made for a common school fund which consists of the poll tax[192] (to be retained in the counties where the same is collected) and an additional sum from the general fund in the state treasury which together must be sufficient to maintain the common schools for the term of four months in each scholastic year. It is provided by the same section of the constitution that any county or separate school district may levy an additional tax to maintain its schools for a longer time than the term of four months; and it is provided that the common school fund must be distributed among the several counties and separate school districts, in proportion to the number of educable children in each, to be determined from the data collected through the office of the state superintendent of education, in the manner prescribed by law.[193] Secondly, the Constitution of 1890 makes it obligatory upon the state legislature to enact such laws as may be necessary to ascertain the true condition of the title to the sixteenth sections of land in the state, and to enact laws regulating the sale or lease of such land.[194] A third constitutional provision declares that ''the rate of interest on the fund known as the Chickasaw school fund, and other trust funds for educational purposes, for which the state is responsible, shall be fixed and remain as long as said funds are held by the state at six per centum per annum, from and after the close of the fiscal year A. D. 1891, and the distribution of said interest shall be made semi-annually on the first of May and November of each year.''[195]

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[186] Fourteenth Biennial Report, Board of Trustees and Superintendent of the Miss. Institution for the education of the Deaf and Dumb, 1890-1891, p. 27.

[187] The boys and girls enter the school (1) as a result of court decisions, (2) orphans, with no means of support, (3) children of indigent parents.

[188] Laws 1916, Ch. 50, p. 50, Sec. 1, S. B. No. 577; Ch. 111, H. B. No. 89, pp. 149-157.

[189] Ibid,, Sec. 2.

[190] Laws 1918, Ch. 33, pp. 40-42, Sec. 1, H. B. No. 29.

[191] Administration of Public Education in the U. S., 1913, p. 147.

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[192] The collection of the $2 poll tax is made surer by a statute which limits the right of franchise to such as have paid their poll tax for two years; See infra., p. 119.

[193] Constitution of 1890, Sec. 206.

[194] Constitution of 1890, Sec. 211.

It is not the purpose here to trace through all the statutes the subject of the financing of public education in the state.[196] It will be sufficient to deal with the subject of school finances as handled by the state at present The history of the income from the first source named, i. e., invested funds, in Mississippi reveals more what ''might have been done'' than what has been done; for the income from lands set aside for school purposes, with notable exceptions in the case of a few communities, was by mismanagement brought to almost an irreducible minimum. A study of the early administration of the Sixteenth Sections,[197] the Chickasaw fund,[198] the Two Per Cent fund,[199] and the Three Per Cent fund[200] reveals in many instances varying degrees of mismanagement, incompetency, and fraud. The total amount of income which the schools of many sections of the state have received from this source represents a mere fraction of what might easily have been constituted a permanent source of revenue for the purposes of public education. The total income from the Chickasaw School Fund since 1912 has been as follows: annually for 1912 and 1913[201] $62,049.79; annually for 1914 and 1915, $62,085.84;[202] annually for 1916, 1917, 1918 and 1919, $62,138.49.[203] The total annual income from the Sixteenth Section Fund varies from year to year, and from county to county; the annual total from this source is larger by far than from any other invested funds in the state; in 1914-1915 for the counties receiving revenue from this source the amount varied from $31,165.48 in Washington county[204] to $72.13 in Lincoln county.[205] According to the State Superintendent's report for 1914-1915 in the counties where there was an income from the Two and Three Per Cent funds the amount received from these sources varied from $101.83 in Tishomingo county[206] to $4,979.00 in Covington county.[207]

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[195] Ibid., Sec. 212.

[196] See Miss. Educational Advance, Vol. 10, No. 1, Sept. 1919, pp. 6-8, article by J. T. Calhoun, State Supt. Rural Education.

[197] Ency. Miss. History, Vol. 11, pp. 669-673.

[198] Ency. Miss. History, Vol. 1, pp. 408-410.

[199] Ency. Miss. History, Vol. II, pp. 832-834.

[200] Ency. Miss. History, Vol. II, pp. 783-784.

[201] Laws of 1912, p. 4.

[202] Laws of 1914, p. 4.

[203] Laws of 1916, p. 5, and Laws of 1918, p. 5.

[204] State Supt. Education, 1914-1915 Report, p. 232.

State taxation for the support of schools in Mississippi, as in most other Southern states,[208] constitutes the mainstay of the educational system of the state. It is a well known fact that "whereas state taxation has the advantage over local taxation of relieving the schools from the fluctuations of local support, it may or may not equalize educational opportunity, according to the manner of its distribution within the state," to quote Dutton and Snedden.[209] For 1914-1915 the amount of the state distribution to the various counties of Mississippi ranged from $3,679.50 for Green county[210] to $48,459.00 for Yazoo county.[211]

Local taxation, which in many states is the chief source of revenue for the educational system,[212] constitutes less than fifty per cent of school finances in Mississippi. This, nevertheless, is one of the sources of school revenue in the state. When the constitution of 1890 provided for the state common school fund, provision was made in the same section[213] for a county school fund to consist of the poll-tax which is retained in the counties where it is collected; and this amount is augmented by an amount from the state common school fund sufficient to maintain the common schools four months; but any county or separate school district may levy an additional tax to maintain its schools for a longer time than the term of four months.[214] Of the taxation in local areas under authorization of state law in Mississippi, the poll-tax is an important feature. The constitution of 1890 authorizes the poll-tax, as follows:[215]

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[205] Ibid., p. 219.

[206] County Treasurer's Financial Report, p. 243; St. Dept. Ed., Report, 1914-15.

[207] Ibid., p. 232.

[208] Dutton and Snedden, Adm. of Pub. Education in the U. S., p. 148.

[209] Ibid.

[210] State Supt. Education, 1913-1915 Report, p. 214.

[211] Ibid., p. 228.

[212] Dutton and Snedden, Adm. Pub. Education in U. S., p. 148.

[213] Const. 1890, Sec. 206.

[214] Ibid.

> A uniform poll tax of two dollars, to be used in aid of the common schools, and for no other purpose, is hereby imposed on every male inhabitant of this state between the ages of twenty-one and sixty years, except persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools of that county, increase the poll tax in said county, but in no case shall the entire poll-tax exceed in any one year three dollars on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

The collection of the poll tax is made surer by a statute which limits the right of franchise to such as have paid their poll tax for two years; for says the law "a person shall not be entitled to vote at any election who has not been duly registered four months before offering to vote, and who has not paid all taxes which have been legally required of him, and which he has had an opportunity of paying according to law, for the two preceding years, on or before the first day of February of the year in which he offers to vote."[216] To illustrate how the amount collected as poll tax varies from county to county, in 1914-1915 in Issaquena county the total receipts from poll tax amounted to only $973.01[217] while in Bolivar county the total from this source was $10,643.89.[218] Counties may levy, in addition to the one dollar extra poll tax, an ad valorem tax to carry on the schools before and after the four months term as provided under the law regulating the distribution of the state school fund.[220] County boards of supervisors are authorized to levy special taxes for school purposes in certain specified cases.[221] Separate school districts may levy an additional tax for the support of schools,[222] and "any municipality not composing a separate school district may levy an annual tax to aid in the education of the children within such municipality.''[223] The law also provides conditions under which rural school districts[224] and consolidated school districts[225] may levy additional taxes for school purposes. Methods of financing county agricultural high schools are prescribed by law. The law permits extra tax levies by counties and towns for the establishment of and maintenance of this special type of schools.[226]

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[215] Const. 1890, Sec. 243.

[216] Miss. Code of 1906, Sec. 4118; See Laws of 1894, Ch. 51.

[217] State Supt. Education, 1913-1915 Report, p. 215.

[218] Ibid., p. 210.

[219] Const. of 1890, Sec. 243.

[220] Miss. Code of 1906, Sec. 4572.

[221] See, Laws of 1912, Ch. 159, S. B. No. 79; Laws of 1914, Ch. 197, H. B. No. 92. Laws of 1910, Ch. 220, S. B. No. 103; Laws of 1914, Ch. 157, S. B. No. 385; Laws of 1914, Ch. 190, S. B. No. 50, and Ch. 142, S. B. No. 287; Laws of 1914, Ch. 189, H. B. No. 255.

[222] Code of 1906, Sec. 4530.

Under the Smith-Hughes act of Congress[227] fifteen county agricultural high schools in Mississippi have qulified for federal aid for carrying on vocational education in connection with their elected curricula. A sum aggregating $5,566.19 was apportioned in 1918 to meet this object, which sum was used to supplement funds received from the state and counties for the support, maintenance, and equipment of the county agricultural high schools. In addition to the agricultural high schols, consolidated school districts in over a dozen counties during the year 1918 qualified for federal aid in carrying on courses in vocational education, the amount received by these districts varying from $72.21 for a Warren county district to $281.42 for Salem district in Covington county.[228] The total income for school purposes in the various localities of the state is sometimes slightly augmented by revenues from special courses such as tuition for certain high school subjects,[229] rents (other than sixteenth section rents), institutes, and the like; but comparatively little is received from other sources than those which have been discussed.

As has often been stated by writers on the administration of public education, the two fundamental principles or purposes governing the distribution of school funds, are first, equalization of educational opportunities, and secondly, stimulation of local educational sentiment. According to the well known authorities, Professors Dutton and Snedden, in the United States there are three principle ways of distributing the general (county or state) school fund, first, the method found in counties where educational administration is highly centralized, and where the governing board is authorized to distribute county moneys to the districts, according to the option of such boards; second, the method—characterizing primitive educational conditions—where the state or the county returns to the school area exactly its share of taxes relative to its taxable valuation; third, the very common method of taking as the basis of educational need either total population or school population, the latter meaning the number of children supposedly in need of schooling.[230] The latter method is the one used in distributing the common school fund in Mississippi. The law regulating the distribution of the school fund in counties is as follows:[231]

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[223] Laws of 1908, Ch. 127, S. B. No. 202.

[224] Laws of 1916, H. B. No. 542.

[225] Laws of 1914, Ch. 184, as amended by Laws of 1916, H. B. No. 169.

[226] For regulations, See Laws of 1910, Ch. 122, S. B. No. 4; Laws of 1914, Ch. 191, S. B. No. 479, as amended by Laws of 1916, H. B. No. 84. Laws of 1910, Ch. 126, S. B. No. 64. Laws of 1912, Ch. 150, H. B. No. 82.

[227] Approved February 23, 1917.

[228] F. J. Hubbard, State Director Smith-Hughes Vocational Education, Memphis Commercial Appeal, Dec. 19, 1918. See Laws of 1918, Ch. 66, pp. 66-67, S. B. No. 4.

[229] Miss. Code of 1906, Sec. 4561; Laws of 1900, Ch. 112.

> "The county common school fund shall be divided between the separate school districts and that portion of a county not included in separate school districts. Within thirty days after every legal enrollment of the educable children of the state, and within thirty days after the organization of a separate school district, or a change has been made in the limits of one already organized in the county, the county superintendent of education shall certify to the clerk of the board of supervisors the number of educable children, to be determined from the official roll of educable children, on file in the chancery clerk's office in each separate school district in the county, and the number of educable children outside the limits of separate school districts. At each regular meeting of the board of supervisors to apportion the amount of undivided county common school fund in the county treasury among the separate school districts of the county and the county outside of separate school districts, on a basis of the number of the educable children in each, as furnished by the county superintendent of education, and to certify the said apportionment to the board of suprvisors, who, if the apportionment is found to be correct, shall order that a warrant be issued in favor of the treasurer of each separate school district for the amount due each district. At the first meeting

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[230] For an interesting discussion of these three methods of distributing the school fund, See Dutton and Snedden, Administration of Public Education in the United States, 1913, pp. 156-159.

[231] Miss. Code of 1906, Sec. 4754; Laws of 1906, Ch. 118, pp. 105-106, S. B. No. 185.

of the board of supervisors after the passage of this act, all the poll tax collected since the last official report of the same to the auditor, shall be divided as provided in this section."

Since 1912 the appropriations by the state legislature for the maintenance of the public schools of the state have been as follows: for each of the years 1912 and 1913, $1,424, 088.00,[232] and for that biennium a supplemental common school fund of $5,000;[233] for each of the years 1914 and 1915, $1,659,051.00;[234] for the years 1916 and 1917, respectively, $1,732,786.60[235] and $1,867,771.00,[236] with the proviso concerning the amount for 1917 "or such amount thereof as may be necessary to keep the per capita tax distribution at $2.45 under the enumeration of educable children in 1916;" for each of the years 1918 and 1919, $1,985,895.00.[237] The total number of educable children in the state, according to the last enumeration, is 791,585 within the age, as ordained by statute, from five to twenty-one years, and each county and separate district receives its quota from the general fund, based on a per capita allowance of $2.51—the actual figure being one mill under that amount according to the January 1919 distribution.[238]

It is questionable whether in distributing the state and the county school funds it would not be wise to adopt a system of apportionment based on average daily attendance. There is undoubtedly the advantage to this system that, to a considerable extent, it places a premium on local efforts to get the children into school and to keep them there. Educationally considered, the matter of prime importance is not how many children are enrolled; but it is of great importance to have the largest possible number of days' attendance. Anything which tends to bring that total up should receive consideration at the hands of those who are responsible for the state school system.

The large problems of educational finance in Mississippi at present are those common to every state in the Union—those, chiefly, resulting from the ever increasing cost of maintaining and improving the system of public education. As formulated by two leading authorities on the subject of public education in the United States,[239] these problems are: (1) possible sources of increased revenue, as education becomes more expensive; (2) the relative proportion and kinds of school revenue which various taxing units should produce; and (3) the distribution of state revenue to counties, and the distribution of county funds to lesser units.

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[232] Laws of 1912, Ch. 4, p. 6, H. B. No. 6.
[233] Laws of 1912, Ch. 5, pp. 6-7, H. B. No. 687.
[234] Laws of 1914, Ch. 4, p. 7, H. B. No. 108.
[235] Laws of 1916, Ch. 4, pp. 7-8, H. B. No. 597.
[236] Laws of 1916, Ch. 5, p. 8, H. B. No. 631.
[237] Laws of 1918, Ch. 54, p. 58, H. B. No. 22.
[238] State Dept. Education, report in Commercial Appeal, Jan. 11, 1919.

The subject of compulsory education has not been advanced very vigorously in Mississippi during recent years. In 1874, 1875, and 1876 Governor Adelbert Ames recommended legislation to bring about a "compulsory system of free common school education."[240] The economic problems of the state and their relation to the problems of the education of the negro have had some influence in this matter; but this has not been wholly responsible for the lack of interest in the subject in Mississippi. It has been felt that before advocating compulsory education the system as at present organized should be strengthened materially, especially as to the length of the school year. To place upon the local communities the responsibility of adding to the school term is well enough in that it places a premium upon local pride in maintaining excellence of educational facilities; but to permit any community to have the minimum of four months' school term is an extremely short-sighted policy for the state to adopt. Thus the matter of providing better school facilities for those who want the advantages of free school education has been paramount in the minds of educational leaders and others interested in the advancement of the state. But compulsory education has been suggested from time to time as a method of materially improving the school system, and the legislature of 1918 went so far as to enact a compulsory school law, which, however, was effectively nullified by the terms of the act itself.[241] The period of compulsory attendance was made but sixty days for each scholastic year, and one-third of that time was optional with the county school board for the county schools and the board of trustees for the separate district schools, for it was provided that by action of these school authorities the period of compulsory attendance for any school could be reduced to forty days.[242] But this feature of the act is not the one which completely nullifies the spirit of the compulsory school attendance law; it is that part of the statute which declares that "the provisions of this act shall not be applicable to any county in the state, unless and until an election shall have been held to determine whether or not the people of said county, or of any supervisors district, separate school district or consolidated school district shall vote to come in under same.[243] Twenty per cent of the qualified electors of any county, supervisors district, separate school district, or consolidated school district may by petition have an election called to determine the will of the people in the matter of compulsory school attendance.[244] When adopted by election the compulsory school attendance law for the county or district so electing must not be changed by subsequent election within four scholastic years.[245] The county superintendent of education is charged with the duty of enforcing the compulsory school attendance law in whatever school areas that elect to come under the provisions of the statute.[246] The counties and school districts of the state have been slow to express a desire or willingness to adopt the provisions of the compulsory school attendance act. An exception to this general rule is found in Union County which adopted this educational feature at an election in November 1918, and it is reported from that county that "cooperation of teachers and patrons is bringing about the happy enforcement of the law, much to the gratification of citizens interested in higher educational development of the children of the county.''[247]

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[239] Dutton and Sneddon, The Administration of Public Education in the United States, 1913, pp. 165-166.

[240] Senate Journal, 1874, p. 26; ibid., 1875, p. 8; ibid., 1876, pp. 14-15.

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[241] Laws 1918, Ch. 258, pp. 312-315, H. B. No. 143. See Miss. Educational Advance, Vol. 10, No. 11, June 1919, pp. 12-13, and Proceedings Miss. State Teachers Association, 1919, pp. 47-48 for draft of proposed compulsory school attendance law.

[242] Laws of 1918, Ch. 258, pp. 312-315, H. B. No. 143, Sec. 1.

[243] Ibid., Sec. 9 (a).

[244] Ibid., Sec. 9 (b).

[245] Ibid., Sec. 9 (c).

[246] Ibid., Sec. 5 and 6.

The State Teachers' Association first met in the hall of representatives at Jackson in 1838, but owing to the great difficulty of travel in those days the organization dissolved after four or five years.[248] After 1865 the State Teachers' Association was revived and since that time has wielded a great influence in the development of the educational system of the state. The association has stood for better trained teachers, and it was largely through the influence of this organization that the State Normal College was establshed in 1910.[249] The teachers of the state working through their state association have been a factor in bringing about the passage of progressive school laws;[250] in securing the adoption of unified courses of study in the schools of the state; in urging the extension of school terms by local tax levies; and in developing public sentiment in favor of a better school system for the entire state. The State Teachers' Association at present (in 1919) is doing splendid work in advocating better pay for the teachers of the state.

III. *Higher Education*

''The greatest obstacle to the early progress of higher education in Mississippi, was the attachment shown by the people to the older institutions of other States. The planters of Mississippi naturally wished to send their sons to the colleges where they themselves had been educated. As a consequence no college degree was conferred upon a son of Mississippi by an institution in the State before 1833. As there were no time-honored female colleges in the older states, and as traveling was very difficult, the people of Mississippi were liberal in their support of schools for the higher education of young women."[1] In his chapter on "The early social and political history of Mississippi" Judge Mayes speaks of the conditions under which the state was occupied by the English-speaking people. In part he says: "The lands were fertile, and were granted in large tracts on very easy terms. The immigrants were people of means and culture. They came from comparatively old and absolutely refined civilization, where, amongst other institutions, educational establishments of a high order flourished. Many of these immigrants were from the New England States; many from the Middle States, and nearly all the remainder from Virginia, Maryland, Kentucky, Georgia, and the Carolinas. They brought with them full knowledge of Harvard, Yale, Princeton, University of Virginia, Transylvania, * * * * and long preserved pleasant and loving memories of the old colleges of their youth."[2] By the same author reference is made to an observation of a committee of the Trustees of Jefferson College appointed in 1837 "to inquire into the causes of ill success of that institution." The committee attributed the unsatisfactory condition:[3]

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[247] Memphis (Tenn.) Commercial Appeal, article of Jan. 4, 1919.

[248] Ency. Miss. History, Rowland, Vol. II, pp. 765-766.

[249] Infra., p. 142.

[250] See Proceeding Miss. Teachers' Assoc., 1919, pp. 61-62, Report of Committe on Minimum Essentials of School Legislation.

[1] F. L. Riley, School History of Miss., p. 173.

> "Chiefly to the prevalent feeling of partiality and veneration for the time-honored and distinguished institutions of the North, which impelled most parents to resort to them for the education of their sons, attaching a high value to the high honors derived from those venerated shrines, from which have issued so many distinguished men whose names have shed a luster upon the history of their country."

Until after about 1830, when the abolition idea ceased to be a sentiment only, and the question of slavery became the all-obsorbing issue of the day, "the prepossession in favor of the Northern and Eastern Colleges" made it seem inadvisable, if not unnecessary at that time, to establish colleges and universities in the state for the young men seeking higher education. With the establishment in the North and East of societies[4] and newspapers[5] which had for their purpose "immediate abolition" there rapidly developed in the South a desire for more Southern institutions of higher education. "The 'gradual abolition' theory, which had largely prevailed in the South itself up to this time, was swept away in the tide of resentment, and the new and aggressive phase of the anti-slavery feeling was regarded as insulting to the South and dangerous to the continuancy of the Union," says Judge Mayes.[6]

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[2] Mayes, History of Education in Miss, Ch. IX, p. 125.

[3] Mayes, History of Education in Miss., Ch. IX, p. 126, citing Charter and St. of Jefferson College, 1840, p. 89.

[4] The New England Anti-Slavery Society, Established 1832; the American Anti-Slavery Society, established 1833; American and Foreign Anti-Slavery Society, established 1831.

[5] The Liberator, established 1831.

There is no doubt of the fact that the opposition to Northern education during the period from 1830 to the outbreak of the civil war hastened the establishment of the state University of Mississippi. In 1839 Governor McNutt voiced the sentiment against sending the young men and young women of the state to Northern and Eastern colleges. He urged that "patriotism no less than economy" made it the duty of parents to educate their children at home; and that "those opposed to us in principle, and alienated in interest, can not safely be entrusted with the education of our sons and daughters."[7] Governor A. G. Brown, who was a leading advocate of free public schools,[8] took an important part in the agitation for Southern colleges and universities. He was an earnest advocate of higher educational institutions for the State of Mississippi as a necessary part of a system of public education; he was no less earnest in advocating such institutions as necessary on account of the political exigencies resulting from the agitation of the question of "immediate abolition." The following excerpt from his message of January 10, 1844, accredited with having brought about the incorporation of the State University, is indicative of his attitude in this latter respect:[9]

> "The practice of sending the youth of the country abroad to be educated ought to be discouraged * * * * Instead of sending our youth abroad to be educated, where they sometimes contract unfortunate habits, and grow up with false prejudices against home insti-

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[6] History of Education in Miss., Ch. IX, p. 127.

[7] Message of Gov. McNutt, Jan. 8, 1839, House Journal, 1839, p. 9, Mayes, p. 127.

[8] Et seq.

[9] House Journal, 1844, p. 207. Mayes, p. 127.

> tutions and laws, they may be kept at home, comparatively under the supervisory care of their parents, surrounded by those institutions and protected by those laws which it is proper they should be early brought to love and reverence."

Again, in an address delivered at Madison College in 1859, ex-Governor Brown said, "Let Southern parents cease to send their sons and daughters to the North, and resolve to build up schools and colleges at home."[10] He explained how Jefferson College, which had been incorporated in 1802, had been prevented from enjoying a successful career in the state, and concerning it he said, "The cause is obvious—the children of Mississippi could only be educated at Northern schools."[11]

Although unquestionably hastening the establishment of the University of Mississippi, the agitation over slavery was not responsible for the founding of the University; the establishment of the University was founded upon legislation passed before the question of abolition assumed very large proportions. The origin of the State University, like most all the Western State Universities, can be traced to the Ordinance of 1787, as supplemented by an act of 1790, extending the provisions of the Ordinance of the State of Mississippi, and as a result of which policy the State was granted one township of land for the endowment of "a seminary of learning."[12] In his annual message to the state legislature in 1835 Governor Runnels said:[13]

> "The 36 sections of land granted to this State by the United States for a seminary of learning have been sold for the sum of $277,282.53, a sum quite sufficient to justify the State to go into establishment of a university, and with a view to its location I would recommend the appointment of commissioners * * * * whose duty it shall be to select the spot for its location."

Governor Quitman speaking of the grant of land for the "seminary of learning" called attention to the legislature of 1836 that it would be proper "that some plan for carrying out the purposes of the grant should be adopted."[14] To the legislature of

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[10] Mayes, History of Education in Miss., Ch. IX, p. 126.

[11] Ibid.

[12] Congress of the U. S., acts of March 3, 1815, and February 20, 1819.

[13] Mayes, p. 122.

[14] Mayes, p 122.

1837 Governor Lynch suggested that five or more commissioners be appointed to select a proper site for the seminary that was to be established. Local jealousy continued to interfere with the selection of the location of the institution. In 1840 the fund was reported as nominally amounting to about $300,000.00, but it had been invested in bank stock and was in danger of being lost. Governor McNutt, in his message of January 8, 1839, warned the legislature that there was danger of the fund being lost, and he urged, therefore, the immediate establishment of the seminary. In his message of 1840 he again urged the legislature to establish the institution of learning, saying, ''The discordant views of the members of the legislature, in relation to the location of our State seminary, have heretofore prevented the passage of a law providing for the final disposition of the fund.''[15] The matter of selecting the site for the location of the institution was the subject of an act passed by the legislature February 20, 1840, which, in part, directed that ''seven possible sites should be selected by the legislature on joint ballot, and that three commissioners should be selected to examine and report on the sites to be selected and to secure conditionally, by purchase or donation one section of land for the university location.''[16] The commissioners were required to report to the legislature of 1841, when the site was to be chosen. The committee made its report as required,[17] and on January 26, 1841, the two houses in joint session selected Oxford, on the sixth ballot by 58 votes to 57 for Mississippi City,[18] as the site of the State University. The legislature granted a charter for the university on February 24, 1844.

In the original charter of the university thirteen trustees were named who should have ''full power and entire control over the funds belonging to the 'University of Mississippi,' or the 'seminary fund,' after it shall have been collected, to be by them applied toward the consummation of the plan of the 'University of Mississippi;" and * * * * power to devise and adopt such a system of learning as in their judgment they may deem most advisable to be pursued in the course of education in the university; and to employ a competent person to draft a plan of the same, and appoint commissioners to contract for the erection of the university building, so soon as they may think advisable."[19]

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[15] Mayes, p. 123, for fuller quotation.

[16] Mayes, p. 123.

[17] Complete Report in House Journal, 1841, p. 267.

[18] The five other towns balloted for were Brandon, Monroe Missionary Station, Louisville, Kosciusko, and Middleton.

The first session of the University of Mississippi opened November 6, 1848. Fifteen members of the first graduating class received the degree of Bachelor of Arts in 1851. By act of the legislature approved February 3, 1857, the governor of the state was made ex-officio president of the board of trustees, which place the governor has held ever since. Until 1861 the board of trustees of the University had themselves elected new members to fill vacancies on the board, but by an act of the legislature December 19, 1861, this power was taken over by the legislature, the number of trustees remaining thirteen with the governor ex-officio president.

The work of the University was seriously interfered with by the civil war and reconstruction. In 1871 an entirely new charter was granted, but the administration of the affairs of the institution under this charter remained practically the same as under the previous laws.[20] When the Democratic party regained control of the state in 1876 another change was effected. The legislature enacted a law April 14, 1876 entitled "An act to reorganize the University of Mississippi." Section 1 of this statute provided "That the University of Mississippi incorporated the 24th of February, 1844, shall continue to be organized and governed as follows, to wit: The board of trustees of said institution shall be fifteen in number, five of whom shall be alumni of said institution. The members of said board shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold their office for six years * * * * "[21] Two trustees' term under this charter were to expire every two years. The governor was made president of the board and in case of vacancies occuring in the board of trustees during a recess of the senate he was to make appointments for the ad interim period.[22]

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[19] Sections 1 and 3, act of incorporation; quoted in full, pp. 128-129, Mayes History of Education in Miss.

[20] Code 1871, Ch. 40, Article 1-111, Sections 2062-2072.

[21] Sec. 1 of the law of April 14, 1876.

Prior to June 1882, women were not admitted to the University, but by action of the board of trustees at that time the institution was made coeducational, and that feature of the University has worked satisfactorily since its adoption.

Aside from slight changes from time to time in methods of administration, the affairs of the State University were directed by the University board of trustees down to 1910, at which time a decided change was made in the administration of all of the state supported higher educational institutions.[23] Instead of a separate board of trustees for the state university and three state colleges a single board was provided and given control of the affairs of the four institutions.

Section 1 of the statute[24] of 1910 makes provision for ''one board of trustees who shall have the sole supervision and control of the following colleges, supported and maintained by the State of Mississippi, to-wit:

The University of Mississippi, located at Oxford, Mississippi.

The Agricultural and Mechanical College, located at Starkville, Mississippi.

The Industrial Institute and College, located at Columbus, Mississippi.

The Alcorn Agricultural and Mechanical College, located at Rodney, Mississippi.'' Under this act the method by which trustees were selected was changed from selection from the state at large to a method of selecting from districts. It was provided that the governor, by and with the consent of the Senate, should appoint seven, trustees, two from each Supreme Court District, and one from the state at large. Not only was the appointing authority, by the term of this act, restricted to districts in making selection for the board of trustees, but there was an additional restriction; for the law required that one of the trustees should be a practical farmer, one a practising lawyer, and one a "practical builder or architect or factory man."[25] Two of the trustees were to be appointed for two years and two for four years, and three, one of whom should be from the state at large, for six years. No member of the legislature or state officer should be either a member or an ex-officio member of the board of trustees. To meet the requirement in the Labauve endowment to the University, made in 1879,[26] the act of 1910 provided for one additional trustee for the University of Mississippi, who should be a citizen of DeSoto County and who should serve a term of four years.[27]

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[22] Sections 3 and 4, Law of April 14, 1876.
[23] Infra., p. 139.
[24] Chapter 114, H. B. No. 295, Laws of 1910, approved April 14, 1910.

It was claimed by the advocates of the single board plan that it would first, bring about economy of administration, and secondly, would effect a desired change in the organization of the board which would make it impossible for any governor during the four-year term to gain control of the Board through new appointments. Both of these changes would have been wholly meritorious but it was charged by many at the time that this centralization of the administration of the higher educational institutions of the state was more the result of political conditions in the state than of a real desire on the part of the legislature and executive branches of the state government to bring about better or more economical administration of the affairs of the institutions. There were other charges that the adoption of the one-board plan in 1910 was, at least partly, in anticipation of the plans of the next succeeding state administration. Whether these charges were true or untrue, when the 1912 legislature met, under the new administration, the work of the 1910 legislature was modified to meet the wishes of the administration of the day. The statute enacted by the legislature of 1912 provided that "the governor shall be a member and ex-officio president of the board of trustees having control and supervision of the University of Mississippi, the Agricultural and Mechanical College, the Industrial Institute and College and the Alcorn Agricultural and Mechanical College, and the state superintendent of education shall also be made a member of said board, and this board shall be known and designated as the board of trustees of the university and colleges of Mississippi.''[28] A part of the same statute by repealing Chapter 113, acts of 1910,[29] made it lawful for legislators, state and judicial officers to be members of the board of trustees of the state university and colleges.[30] The statute just referred to was approved February 17, 1912, and a few weeks later, March 5, 1912, an act was passed amending the 1910 law[31] which provided for the manner of selecting the board of trustees of the state university and colleges. The two main features of the law of 1912 were, first, the seven trustees appointed by the governor, by and with the consent of the senate, were to be selected from the state-at-large, as had been done before the passage of the 1910 law and the restriction contained in the 1910 law as to the qualifications of three of the seven[32] were removed; secondly, the board was given authority to appoint one of its members as secretary of the board, and it was required that the person chosen as secretary should be a competent accountant whose duty it should be to check up personally all the affairs and finances of each of the institutions at least twice a year, and for his service he should receive a reasonable compensation, to be fixed by the board of trustees.[33]

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[25] Chapter 114, H. B. No. 295, Laws of 1910, Sec. 2.

[26] For an account of this endowment, see Mayes, History of Education in Miss., Ch. IX, pp. 177-178.

[27] Laws of 1910, Ch. 114, H. B. No. 295, Sec. 2.

At present the state university, like the three state colleges, is administered by the Board of Trustees of the State University and Colleges. The State University has greatly expanded its scope of work, and the number of students in attendance show substantial increase from year to year, having enrolled during the session of 1915-1916 a total of 601. For the biennium beginning January 1, 1918 and ending January 1, 1920 there was appropriated by the state legislature "for the support, maintenance, repairs, additional buildings, improvements, furnishings and equipment of the University of Mississippi" a total of $181,546.00.[34]

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[28] Laws 1912, Ch. 169, S. B. No. 200, Sec. 1, approved February 17, 1912.

[29] H. B. No. 622, Session 1908; filed in the office of the Secretary of State, Jan. 7, 1910; became a law without the governor's signature, under Sec. 72 of the State Constitution.

[30] Laws of 1912, Ch. 169, S. B. No. 200, Sec. 3, approved February 17, 1912.

[31] Sec. 2, Ch. 114.

[32] Ch. 114, H. B. No. 295, Sec. 2, Laws of 1910.

[33] Laws of 1912, Ch. 170, S. B. No. 432, Sections 1 and 2, approved March 5, 1912.

The Mississipppi Agricultural and Mechanical College owes its origin to the agricultural land-scrip fund established by an act of Congress approved July 2, 1862 entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts." Under this act each state was given "an amount of land equal to 30,000 acres for each Senator and Representative in Congress to which it was entitled under the census of 1860."[35] The proceeds of the donation were directed to be "invested in stocks of the United States or of the States, or some other safe stocks, yielding not less than 5 per cent interest; and shall constitute a perpetual fund, the capital of which shall be inviolably appropriated to the endowment, maintenance, and support of at least one college, where the leading object shall be, without excluding other scientific and classical studies or military tactics, to teach such branches of learning as are related to agriculture and mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."[36]

Two years was the time within which, by the terms of the original act, states were required to express their acceptance,[37] i. e., the states were given until July 2, 1864 to qualify for the federal aid. Subsequently the time was extended two years, or until July 2, 1866, and then extended again until July 2, 1867,[38] Under the provisions of the act of Congress the state of Mississippi, as well as other Southern States, could not immediately take advantage of the Federal grant; for it was provided that "No State, while in a condition of rebellion or insurrection against the government of the United States, shall be entitled to the benefit of this act."[39] As soon as practicable after the close of the war the matter was brought to the attention of the state legislature. Acting upon the recommendation of October 1866, made by Governor Humphreys, the special session of the legislature of that year passed the necessary laws[40] accepting the grant, and the governor was requested to take the matter up with the Federal authorities. In his message to the legislature January 24, 1867, Governor Humphreys said:[41]

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[34] Divided as follows: Support fund, for interest on original Seminary fund for 1918 and 1919, $65,286, for interest on 1894 land grant fund 1918 and 1919, $19,460, for support to supplement Seminary and land grant fund, $64,500; special funds, $32,300. See Laws of 1918, Ch. 14, pp. 20-21, S. B. No. 43.

[35] Mayes, History of Education in Miss., Ch. XI, p. 227.

[36] Morrill Land-Grant Act, approved July 2, 1862, Section 4, 12 Stat. L., 503. See Mayes, p. 227.

> "On the 24th of November, 1866, I addressed a letter to the Commissioner of the General Land Office at Washington City, informing him of the acceptance by the legislature of Mississippi of the terms of the grant of land by Congress for the establishment of an agricultural and mechanical college, and requested to be informed if any further legislation was needed to secure the scrip. I have received no reply to this communication. I understand, however, that the Federal Government has suspended further issuance of the scrip to any of the Southern States."

The governor's surmise was correct, for the grant was refused to the state of Mississippi on the ground that the time within which application should have been made had elapsed. The relation of the State to the Union being a political issue at that time, it was thought that the politics involved had something to do with the denial to Mississippi the benefits of the land-scrip fund.[42] In 1871 Governor Alcorn took the matter up with the Secretary of the Interior, who suggested action by the state legislature. Accordingly Governor Alcorn made a recommendation to the legislature, which resulted in the act approved May 13, 1871 on the basis of which the state was permitted to share in the Federal land-scrip fund One of the provisions of the statute of May 13, 1871 was as follows:[43]

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[37] Morrill Land-Grant Act of 1862, 12 Stat. L., 503, seventh provision of Sec. 5 reads: "No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President."

[38] Act of 1866, approved July 23, 1866, 14 Stat. L., 208.

[39] 12 Stat. L., 503, Sec. 5, sixth provision.

[40] Joint Resolution of the Miss. legislature, approved Oct. 31, 1866; Laws of Miss., 1866-67, p. 213.

[41] Senate Journal, 1866, Appendix, p. 95; quoted by Edward Mayes, History of Education in Miss., Ch. XI, p. 227.

> "That the bonds should be placed in the State treasury for safekeeping, two fifths to the credit of the University of Mississippi and three-fifths to the credit of a university to be dedicated to the education of youths of color, and the interest therefrom to be paid to the two universities in the proportions specified, on condition that they shall each establish, and apply the said interest to the maintenance of, a college of agriculture and mechanic arts, including machine shop, model farm, a chemical laboratory, and a chair of agricultural chemistry."

The land-scrip was issued the following September and covered an area of 209,920 acres. The fund amounted to $227,150 by 1875.[44] As will be noted later[45] Alcorn College for the education of negroes was incorporated simultaneously with the passage of the act of 1871, under which the land-scrip was secured for the state. An agricultural department was established at the State Unversity in 1872, to be supported by state appropriations in addition to the congressional endowment. Judge Mayes calls attention to the fact that "up to January 1, 1875, the interest on the bonds was paid in proportion of three-fifths to the Alcorn University, and two-fifths to the University of Mississippi; but the general appropriation bill of that year required the interest to be thereafter divided between the institutions equally, which was done."[46]

After a few years it was apparent that the needs of the state demanded a more vigorous policy in training leaders for the various agricultural activities than was possible through the

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[42] Ency. Miss. History, Rowland, Vol. 1, p. 50.

[43] Laws of Miss., 1871, p. 704. For statement of all provisions of the statute, see Mayes, p. 228.

[44] History of Education in Miss., Mayes, p. 228.

[45] Infra., p. 145. Incorporated May 13, 1871.

[46] History of Education in Miss., p. 229.

Agricultural Department of the University; for in spite of "a strong and distinguished faculty, an excellent course of study, a farm well and conveniently located, and in every way adapted to the purposes of the Department of Agriculture, Horticulture and Botany, this school of agriculture and mechanic arts under the surroundings and environments of the University was not popular or attractive to students, consequently, comparatively few registered for work in that college, and during the six years of its existence in connection with the University, no evidence is found that a single student took the entire course or that a graduate was turned out. After 1876, for lack of funds to properly equip the farm it was abandoned."[47]

It was realized that the Congressional endowment, one half of which was being applied for the maintenance of courses in the State University, could easily be a nucleus for the establishment of an agricultural college. By the determined efforts of the farmers, and particularly the State Grange,[48] the importance of establishing such an institution was brought prominently before the state legislature. The main provisions of an act passed by the state legislature February 28, 1878, were as follows:

1. To reorganize Alcorn University (for negroes) into an agricultural college, under the name of "The Alcorn Agricultural and Mechanical College of the State of Mississippi."

2. To establish an agricultural college for the education of the white youth of the state, to be known as "The Agricultural and Mechanical College of the State of Mississippi."

3. To set apart for the use of the two colleges, in equal proportions, the interest of the agricultural land-scrip fund, thereby excluding the University of Mississippi from any further participation in that fund.[49]

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[47] J. M. White, Pub. Miss. Historical Society, Vol. III, p. 345. See also, History of Education in Miss., Mayes, pp. 173-174, and Ency. Miss. History, Rowland, Vol. I, p. 50.

[48] See Ency. Miss. History, Vol. I, pp. 55-57, Agricultural Organizations; also, J. M. White, Pub. Miss. Historical Society, Vol. III, p. 346.

[49] Mayes, History of Education in Miss., p. 230.

This same act of 1878 authorizing the establishment of the Mississippi Agricultural and Mechanical College authorized the appointment of a board of nine trustees, who were "granted all the power that is necessary for the accomplishment of the trust that is reposed in them." The trustees were appointed by the Governor of the State, who was made ex-officio president of the board. The approval of the Senate was necessary in case of all appointments made by the Governor to the board of trustees. The duty of selecting a site for the college devolved upon the first board of trustees, and at a meeting of the board in the Governor's office at Jackson, December 13, 1878, the college was located at Starkville.[50]

The college received its first students in October 1880; the enrollment of students for its first session was 354; and in 1883 eight members of the first graduating class received their diplomas. The inventory of college property in 1883 showed a total value of $174,757.09; in 1893, $230,316.14; in 1903, $532,-270.54;; and in 1913, $1,238,812.50.[51] No doubt another decade will bring a greater increase in the value of the college property. In 1919 there was a total of 2250 acres included in the college campus and farms.

In 1882 women were admitted to the college, but no provision was ever made for their living at the college. From time to time there were a few women students, until the board of trustees in 1913 decided to admit no more women to the institution. This rule, however, does not apply to the summer normal work, which was begun in 1905 as a part of the work of the Department of Industrial Pedagogy (now, in 1919, the Department of Education and Sociology) established in 1903 in response to the suggestion of the State Teachers' Association.[52]

The affairs of the institution were administered by a separate board of trustess down to 1910 when the single board of trustees was established for the state university and the three state colleges.[53] The scope of the work of the Mississippi Agricultural and Mechanical College has been rapidly broadened during recent years. It is at present the largest educational institution in the state, having for the session of 1916-1917 a total attendance of 1280, not including the 616 students enrolled in the summer school in 1916.[54] As at present organized, the college year is divided into quarters, thereby enabling students who care to do so to remain in college practically eleven months and to finish the regular four years course in much less time than under the old system of the academic year comprising nine months' work. The institution is liberally supported by the state. For the biennium beginning January 1, 1918 and ending January 1, 1920 there was appropriated by the state legislature "for the support, maintenance, repairs, additional buildings, improvements, furnishing and equipment" of the College a total of $305,224.72, which amount included "interest on the agricultural land script fund and interest on * * * * sale of college land donated by the United States government."[55]

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[50] For the names of the first board of trustees of the college, see J. M. White, Publications Miss. Historical Society, Vol. III, p. 348.

[51] Miss. Official and Statistical Reg., Cent. Vol., 1917, B. M. Walker, p. 644.

[52] Ency. Miss. History, Vol. I, pp. 54-55.

The Industrial Institute and College, located at Columbus, Mississippi, is referred to by Dr. Dunbar Rowland[56] as "An institution for the education of white girls in industrial technic and also letters and science, as its name indicates." Miss Sallie Eola Reneau, a resident of Grenada, was an early advocate of a college for young women. Her efforts encouraged Governor McRae in his message to the legislature in 1856 to commend to that body the favorable consideration of "the proposition for the establishment by the State of a female college, for the thorough and accomplished education of the daughters of the State."[57] Although not accomplishing her purposes, Miss Reneau continued to advocate the cause of state aid for the higher education of young women until in 1873, her efforts again thwarted, she removed to the state of Tennessee.[57]

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[53] Supra., p. 131. Laws of 1910, Ch. 114, Sec. 2; Laws 1912, Ch. 169, S. B. No. 200 and Ch. 170, S. B. No. 432.

[54] Miss. A. & M. Catalogue, 1916-1917, p. 168.

[55] Laws of 1918, Ch. 8, pp. 14-15, H. B. No. 13, show items for which appropriation was made.

[56] Ency. Miss. History, Vol. I, p. 933.

[57] Senate Journal, 1856, p. 22.

The work that had been so ably begun by Miss Reneau was taken up by Mrs. Annie C. Peyton, of Copiah County. A college graduate herself and thoroughly interested in the higher education of young women, Mrs. Peyton worked with indefatigable energy for the establishment of a state-supported womans' college. The matter was brought before the state legislature in 1879 and again in 1880, but Mrs. Peyton's efforts on these occasions brought no tangible results. Meantime, however, largely through contributions of articles and constant encouragement from Mrs. Peyton the newspapers of the state were showing a favorable attitude toward the movement. The Democratic State Convention which met in Jackson August, 1881, unanimously resolved "That as Mississippi has made liberal provision for the education of all of her sons, this convention declares it to be the highest duty of the legislature to establish, with ample endowment, a State institution for the education of our daughters."[59] The legislature of 1882 failed to act favorably upon a bill presented to them. When the legislature of 1884 met a bill which had been prepared by Mrs. Peyton was introduced providing for the establishment of "a State normal and industrial school for the white girls of Mississippi"[60] Another bill was introduced in the same legislature by Hon. J. McC. Martin of Claiborne County. This bill, which was introduced in the Senate, provided for the establishment of the "Industrial Institute and College." "This bill," says Judge Mayes, "made more liberal provision than the one drafted by Mrs. Peyton, and she and her co-workers immediately abandoned their own and rallied to the support of the Martin bill."[61] The passage of the bill was secured by a majority of one vote in the senate, and the act of incorporation was approved March 12, 1884.

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[58] See, History of Education in Miss., Mayes, pp. 245-246.

[59] Mayes, History of Education in Miss., p. 247.

[60] Bill introduced by J. K. McNeely of Hinds County, See Mayes, p. 247.

[61] Hist. of Education in Miss., p. 247.

Under the first charter of this institution the Governor was authorized to appoint trustees, with the consent of the senate, one from each Congressional district and two from the State at large. The governor and State Treasurer were made, respectively, president and treasurer of the board of trustees. It was made the duty of the first board of trustees to select a site for the college, and soon after the board was organized, in 1884, Columbus was chosen for the location of the college.

From the beginning the college has had for its purpose the giving of collegiate education, normal training, and industrial preparation. The first session opened October 22, 1885 with an enrollment of 341 students. In 1894 Congress donated a section of land in aid of this college, and the same, under a State enactment, was sold for $155,458, which was turned into the State treasury, interest to be paid the college annually at 6 per cent.[62]

With slight changes from time to time the affairs of the Industrial Institute and College down to 1910 were administered by a board of trustees appointed for that purpose alone. As had been noted,[63] by the laws of 1910,[64] amended in 1912,[65] the institution since that time has been under the control of the Board of Trustees for the State University and Colleges. The institution has developed steadily since its establishment. A total of 933 students were enrolled during the session 1917-1918.[66] The total appropriation, made by the State legislature for the biennial period beginning January 1, 1918 and ending January 1, 1920, including the accrued interest upon the funds paid into the State treasury as proceeds of the sale of lands donated to the Indutsrial Institute by the United States government, amounted to $223,553.64.[67]

The establishment of the Mississippi Normal College by act of the legislature of 1910 was the result of a long fight by the teachers and others interested in public education in the state. Writing in 1917, Professor T. P. Scott says:[68]

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[62] Ency. Miss. History, Vol. I, p. 935.

[63] Supra., p. 131.

[64] Laws of 1910, Ch. 114, Sec. 2.

[65] Laws of 1912, Ch. 169, S. B. No. 200, and Ch. 170, S. B. No. 432.

[66] Bulletin Miss. Industrial Institute and College, June 1918, p. 169.

[67] Laws of 1918, Ch. 4, pp. 10-12, S. B. No. 271; Ch. 5, p. 12, H. B. No. 615; Ch. 6, pp. 12-13, H. B. No. 570; Ch. 7, p. 13, H. B. No. 148. Here will be found the items for which appropriation was made.

> "The history of the establishment of the Mississippi Normal College is the history of the growth and development of teacher influence in Mississippi during the past thirty years. It is a record that reflects no credit on the wisdom of our law-makers during that period; a record that will be examined with surprise by the future historian, who will puzzle his brain to reconcile the fact that the State that prided itself as being the pioneer in so many radical reformations and improvements could permit itself to be the last State in the Union to recognize the need of trained teachers for its public school system."

Resolutions favoring the establishment of a teachers' school were adopted by the Mississippi Teachers' Association in 1888, again in 1889, and again in 1890. Each year thereafter the subject was discussed at the annual meetings of the teachers. At the meeting of the State Teachers' Association in 1901, Mr. G. F. Boyd urged the establishment of a teachers' training school, and as a result of his efforts a committee was authorized to memorialize the legislature to establish "a high grade State Normal School."[69] The legislature did not act favorably upon the report. In 1902 the Committee of Ten on Rural Schools urged the establishment of a Normal which should have for its purpose "the instruction of persons in the art of teaching, and in all the various branches pertaining to the public schools of Mississippi."[70] Governor Longino recommended to the legislature of 1902 that a state normal school be established, but again the legislature failed to act.

Through an organized effort of the teachers of the state public sentiment finally became well enough organized to bring results from the legislature and in 1910 the legislature passed an act "to establish the Mississippi Normal College to qualify teachers for the public schools; to provide for the government thereof; to provide how the location shall be made and the buildings constructed, and for other purposes.''[71] By the act of incorporation there was provided for the administration of the affairs of the Mississippi Normal College a board of trustees, ''composed of one member from each congressional district in the State, and of the Governor, and State Superintendent of Education, serving as ex-officio, the former to be president of the board.''[72] It was required that within thirty days after the passage of the act the Governor should nominate, and by and with the advice and consent of the Senate, appoint the eight members of the board, one to be from each Congressional district.[73] One of the first duties of the board of trustees was to select a location for the college. The board was required, as soon as practicable after their appointment, ''to receive from the localities desiring to receive the location of said school, proposals for donations for a suitable site, and other valuable considerations, and * * * * locate the same in the place offering the most advantageous conditions, all things considered.''[74]

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[68] Miss. Official and Statistical Register, Centenary Volume, 1917, The Miss. Normal College, p. 647.

[69] Miss. Official and Statistical Register, Centenary Volume, 1917, T. P. Scott, p. 247.

[70] Ibid., p. 648.

The legislature of 1910 passed four acts supplementary to the act of March 30th under which the Normal College was incorporated. They were as follows: (1) an act of April 16th authorizing the municipalities of Mississippi to issue bonds for the purpose of procuring the Mississippi Normal College;[75] (2) an act of April 16th authorizing the counties of Mississippi to issue bonds in the sum not exceeding $100,000 for the purpose of procuring the Mississippi Normal College;[76] (3) an act of April 12th authorizing Forrest County to issue and negotiate bonds in any amount not exceeding fifty thousand dollars for the purpose of procuring the location in the county of the Mississippi Normal College;[77] and (4) an act of April 14th authorizing the city of Hattiesburg to issue and negotiate bonds not exceeding $50,000 for the purpose of procuring the location in that city of the Mississippi Normal College.[78]

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[71] Laws of 1910, Ch. 119, pp. 105-109, H. B. No. 204, approved March 30, 1910.

[72] Ibid., Sec. 3.

[73] Ibid., Sec. 4

[74] Laws of 1910, Ch. 119, pp. 105-109, H. B. No. 204, approved March 30, 1910, Sec. 9.

[75] Laws of 1910, Ch. 120, p. 109, S. B. No. 322.

[76] Ibid., Ch. 121, pp. 109-110, S. B. No. 323.

[77] Ibid., Ch. 246, pp. 234-235, H. B. No. 576.

As will be noted, the legislature of 1910 made no appropriation, but merely gave the right to establish the Normal College. In his article on The Mississippi Normal College,[79] Professor T. P. Scott Says:

> "Soon after its appointment, the board advertised for bids in the nature of land and cash bonus for the location of the college. It was stipulated that no bid of less than $100,000 would be considered. When the time arrived for the opening of the bids it was found that three communities, Jackson, Laurel and Hattiesburg, had entered the competition and that the lowest bid included $200,000 cash and a suitable free site. The location was awarded to Hattiesburg for the consideration of $258,000 cash, 120 acres for a site, and an additional 640 acres located near by."

Forrest County make a gift in land to the College.

The first session of the Normal College opened September 18, 1912, and the total enrollment for the session reached 876. The total enrollment for the session of 1915-1916, including the summer term, was 1334.[80] The College does not grant degrees. The state legislature has made liberal provision for the Normal College since its establishment. The appropriation for the years 1912 and 1913 amounted to $126,500.00;[81] for 1914 and 1915, $178,659.24;[82] for 1916 and 1917, $101,350;[83] for 1918 and 1919, $103,500.[84]

If the policy of the state in the administration of the university and state colleges is to continue to keep those institutions under a single board of trustees it would appear that the State Normal College should be included under this board. It is claimed by those who favor the separate board, as now constituted, for the State Normal College that inasmuch as the purpose of the Normal College is of a different nature than the other state educational institutions it is proper that its affairs should be directed by a separate board. The same might be said at least to considerable extent in regard to any one of the four institutions at present under the single state board of trustees.

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[78] Ibid., Ch. 344, pp. 297-298, H. B. No. 575.

[79] Miss. Official and Statistical Register, Centenary Volume, 1917, p. 650.

[80] Miss. O. & S. Register, Centenary Volume, 1917, T. P. Scott, p. 651.

[81] Laws of 1912, Ch. 26, pp. 28-29, S. B. No. 151.

[82] Laws of 1914, Ch. 26, pp. 33-35, S. B. No. 72.

[83] Laws of 1916, Ch. 30, pp. 35-36, S. B. No. 196.

[84] Laws of 1918, Ch. 16, pp. 22-23, S. B. No. 10.

During the reconstruction period in Mississippi three institutions for the higher education of negroes were established in the state. Tougaloo University was founded in 1869 by the American Missionary Association.[85] Shaw University, which had been established at Holly Springs by the Mississippi conference of the Methodist Episcopal Church, was incorporated by an act of the legislature May 26, 1870. Under this act the trustees of Shaw University transferred to the State Normal Department for use as a State Normal School for the training of negro teachers.[86] The legislature of 1870 discussed the subject of creating a university for negroes, to be maintained at equal expense with the State University at Oxford.[87] This was discouraged by Governor Alcorn at the time notwithstanding the fact that he showed great interest in the education of the negroes. Oakland College,[88] in Claiborne County, which was founded in 1828 by the Presbyterians of Mississippi, Arkansas and Louisiana, was advertised for sale and in 1871 it was purchased by the State of Mississippi to be used as an institution for the higher education of negro men. The property of Oakland College included ample brick buildings and 235 acres of land, and it was transferred to the State for the consideration of $42,500.[89] Alcorn University of Mississippi was the name given the institution in the act of incorporation approved May 13, 1871, the institution having been given the name of the governor. "Fifty thousand dollars," says Dr. Rowland, "was appropriated, annually, for ten years, for its maintenance, and at the same time $50,000 a year was likewise appropriated to the

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[85] For a history of Tougaloo University, see Mayes, History of Education in Miss., pp. 259-266.

[86] For a history of the State Normal School (for negroes) at Holly Springs, See Mayes, History of Education in Miss., pp. 266-270.

[87] Ency. Miss. History, Vol. I, p. 58.

[88] For a history of this institution, see Mayes, History of Education in Miss., pp. 63-70.

[89] Gov. Powers' annual message, House Journal, 1876, p. 19.

University at Oxford.''[90] Prior to the meeting of the state legislature of 1875, the first legislature to meet after the overthrow of the carpet-bag government in the state, Alcorn University (for negroes) by provisions of the act of the state legislature of May 13, 1871,[91] received three-fifths and the State University (for whites) at Oxford two-fifths of the federal land grant fund under the Morrill Act approved by Congress July 2, 1862.[92] In 1878 Alcorn University was reorganized and became the Alcorn Agricultural and Mechanical College of the State of Mississippi. After 1878 the legislature divided the fund obtained from the sale of lands granted by Congress between Alcorn Agricultural and Mechanical College and the State Agricultural and Mechanical College at Starkville. Since 1890 the Morrill fund has been apportioned between the colleges according to the ratio of the two races in the state.[93] The following excerpt from an article written in 1917 by J. L. Rowan,[94] president of the college, explains how the college is supported at present:

> "It draws an annual income of $6,814.50 from the Agricultural Land Script Fund established by Congress in 1862, and in addition the College has an income of $5,777.77 as interest on proceeds of the sale of College lands, Chapter 46, Acts 1898. At present Alcorn College draws from the new Morrill bill, approved March 1, 1902, about $25,243.60 per annum. The amount of this latter item varies from time to time, as the distribution of the Morrill fund is apportioned to the Starkville A. & M. College and Alcorn according to the ratio of the two races in the State. The legislature supplements these sums by special appropriations when necessary."

The property of the college according to a recent appraisement is valued at $200,000. The campus and farm comprises 900 acres of land.

Until 1890 the college had graduated only 46; the first graduating class, that of 1884, had a total of 4; but the student body up to 1890 usually comprised between two and three hundred negro men.[95] In response to a demand for industrial training for negro girls the Board of Trustees and the Legislature in

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[90] Ency. Miss. History, Vol. I, p. 58.

[91] House Journal, 1872, p. 303.

[92] U. S. Statutes, Vol. 12, Ch. 130, p. 503.

[93] Ency. Miss. History, Vol. I, p. 59.

[94] Miss. Official and Statistical Register, Centenary Volume, 1917, p. 653.

[95] Mayes, History of Education in Miss., p. 277.

1902 made provision for coeducation. Speaking of this feature of the work J. L. Rowan, president of the college, says:[96]

> "A dormitory was erected and three female teachers were chosen to instruct the girls in sewing, cooking, laundering and in nurse training. Five hundred girls applied at once to be admitted to the college and the institution has greatly prospered with this new departure, and the efficiency of the school has been greatly enhanced by thus extending its influence in a more vital sense to the colored race."

The charter of the college provided that the governor, with the consent of the senate, should appoint a president and ten trustees who should administer the affairs of the institution. The college remained under the control of the separate board of trustees until by act of the legislature of 1910,[97] amended in 1912,[98] the single board of trustees was created for the University and three state colleges one of which is Alcorn College.

The Alcorn Agricultural and Mechanical College has developed steadily since its establishment; the enrollment has ncreased from year to year; the courses of study have been broadened, and the negro race has been benefited by the training along industrial lines which the establishment of the institution has made possible. The state legislature has generously supported the institution the total appropriation for 1912 and 1913 was $55,254.54;[99] for 1914 and 1915, $79,770.90;[100] for 1916 and 1917, $52,394.76;[101] for 1918 and 1919, $57,084.54.[102]

IV. *Conclusion*

In concluding this examination of the administration of public education in Mississippi, it is well to refer briefly, first, to what the results and tendencies of centralized control seem to have been, and secondly, to what extent greater centralization might be advisable.

Public education is unquestionably a matter of state concern and not merely of local concern; this fact was recognized by the framers of the first constitution of Mississippi in 1817,[1] endorsed by the framers of the second constitution of the state,[2] more substantially accepted by the framers of the third state constitution,[3] and wholly adopted and enlarged upon by the framers of the constitution of 1890,[4] under which the state is at present governed. The system of common schools of the state constitute a most important state institution. It is true of Mississippi, as of other states, that "unless the common schools * * * are adequately supported by means of an income derived from some grant or endowment in which the state has only a fiduciary interest, the State must provide sufficient resources to maintain them."[5] In Mississippi the schools are not adequately supported by such means, and consequently the state is called upon to obtain ample revenue for operating the public school system and the only way of obtaining such revenue is by the exercise of the power of taxation. Whether this taxation is in the form of a state levy or local levies, which must be authorized by the state legislature, is of minor importance; for when the tax is "authorized by the state legislature, it is the act of the state, provided the levy is for state expenses."[6] Assuming that school expenditures are for state purposes, when the state authorizes the expenditure of funds for the purposes of education it may justly claim the right to a share in the control of the administration of the system. In other words, "if the state collects a general tax, it cannot relieve itself of the responsibility for its proper application," to quote Dr. R. H. Whitten.[7] It will have been noted in the course of this discussion that increased centralization of administration has developed in the public school system of Mississippi in reasonable proportion to the increase of state aid to the various local school units; more and more as state aid is increased the local units act as agents of the state in the matter of public education.

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[96] Miss. Official and Statistical Register, Centenary Vol., 1917, p. 652.

[97] Supra., p. 131, Laws of 1910, Ch. 114, Sec. 2.

[98] Supra., p. 180, Laws of 1912, Ch. 169, S. B. No. 200, and Ch. 170, S. B. No. 432.

[99] Laws 1912, Ch. 15, pp. 18-19, H. B. No. 265.

[100] Laws 1914, Ch. 15, pp. 20-22, H. B. No. 283; Ch. 41, pp. 46-47; Ch. 72, pp. 66-67.

[101] Laws 1916, Ch. 18, pp. 22-23.

[102] Laws 1918, Ch. 12, pp. 18-19.

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[1] Constitution of 1817, Art. VI, Sec. 16.

[2] Constitution of 1832, Art. VII, Sec. 14.

[3] Constitution of 1868, Art. VIII, Sec. 14.

[4] Constitution of 1890, Art. 8, Sections 201-213.

[5] Centralizing Tendencies in the Administration of Indiana, Col. Univ. Studies, Vol. XVII, No. 1, W. A. Rawles, p. 133.

[6] Centralizing Tendencies in the Adm. of Indiana, Col. Univ. Studies, Vol. XVII, No. 1, p. 134, by W. A. Rawles, citing Cooley, The Law of Taxation, 2nd ed., p. 329, and Goodnow, F. J., Municipal Home Rule, pp. 51 and 225.

[7] Public Administration in Mass., Col. Univ. Series, Vol. VIII, No. 4, p. 38.

Under state control the school funds and revenues of Mississippi have been handled with better results than could possibly have been realized without central control. It has been pointed out that in the early period of the state under local control wasteful and fraudulent management of school funds was very generally practiced.[8] Since 1870, when the first State Superintendent of Education[9] took office, by the efforts of the State Superintendent and County Superintendents, who are required to report periodically to the State Superintendent, the school finances of the state have been more efficiently and honestly managed.

In the matter of examinations, centralization has brought about very gratifying results. Beginning in the early period of educational activity in the state with absolutely no method of determining the qualification of teachers, which condition obtained throughout the antebellum period of the state and through the greater part of the reconstruction regime, there came, as a concomitant of state support, some control of the certifying of teachers, but the certification was by county officials and not by state officials; and the next step was the method at present used, i. e., the determination of qualification of teachers under the direction of state officers.

The results of centralization in regard to control over the course of study have been encouraging. Progress at first was slow; after 1870 came recommendations from the State Superintendent of Education to the various communities of the state, which resulted in some improvement inasmuch as the recommendations were occasionally adopted; following the passage of the school text-book law in 1890, there resulted some county control over the course of study of all county schools; finally, statutes were enacted establishing a uniform course of study in the public schools for the common school grades, providing for uniform text-books, and creating the State Text-book Commission. The school system has been improved to a considerable degree by the development in unifying courses of study. The cost of school books has been materially reduced, while at the same time there has been an improvement in the quality of the books.

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[8] Especially in case of the Sixteenth Section land, the Chickasaw land, and the Two and Three per cent funds.

[9] Henry R. Pease, 1870-1874.

Although under the present law the common schools may be discontinued after four months, or after the constitutional requirement has been met, more and more as centralization of administration increases there develops a tendency toward a term of uniform length for the entire state. Sooner or later the constitutional requirement for the length of term will doubtless be extended. While retaining the optional local tax levy as a stimulant to local initiative in maintaining superior schools, as time goes on it becomes increasingly evident that it is a shortsighted policy for the state to fail to provide in every community in the state a school term of six to seven months, at least, as an irreducible minimum.

Teachers' institutes which are held periodically in the various counties of the state are provided for and directed by central school authorities, viz., the State Superintendent of Education and the State Board of Education. These institutes are second only in importance to the training and improvement of the teachers of the state to the various teacher training institutions of the state.

When the state legislature decides to enact the proper kind of public library law there will follow great improvement in this phase of educational work. With no central control, lack of efficient local direction, and very inadequate funds, the establishment of public libraries over the state as a whole has been impossible.

Compulsory education in Mississippi, as has been noted, is in its infancy. When it comes it will be by a development of the present tendencies toward centralization in the administration of public education in the state. To make the adoption of compulsory school attendance dependent upon the electorate of the various counties and lesser school units of the state as is done by the law passed in 1918, is to effectually nullify the spirit of such a law by the terms of the statute itself.

The study of a state system of public education, is to a very great extent, a study of the constitutional and statute laws of the state. These laws are the best evidence of the status of public education at the various periods of the history of the state. Consequently, it is necessary to inquire whether the centralization of the administration of public education within a given state has tended to improve the general character of school legislation. In Mississippi the answer to this inquiry is essentially positive. Of little less importance than in the field of administration, the influence of the State Superintendent of Education, the State Board of Education, and the other central administrative agencies of the State Department of Education have exercised a decidedly wholesome influence over school legislation.[10]

Centralization in the administration of higher educational institutions of the state in the nature of things, came simultaneously with the establishment of the state university and colleges. In the case of the establishment of each institution there was provided by the charter a board of trustees elected by the governor, the governor and the state superintendent of education being constituted ex-officio members of each board. The institutions have always been, in large part, supported by appropriations made from the general state treasury by act of the legislature. Legislative investigating committees have frequently been appointed to make inspection of the affairs and management of the state university and colleges, and the state auditor makes periodic inspections of the accounts of each institution. As has been noted, by act of the legislature of 1910, as amended in 1912, more centralization was effected in the administration of the state higher educational institutions; and since that time instead of five boards of trustees for the university and four state colleges there are two boards, one having control of the State University, the State Agricultural and Mechanical College (for whites), the Industrial Institute and College, and the Alcorn Agricultural and Mechanical College (for negroes), and a separate board having control of the State Normal College. It is more economical to have the single board of trustees for the four state institutions; nothing, however, has been accomplished under the new organization of the board which will prevent a governor from gaining control of the board through appointment and thus injecting personal and factional politics into the administration of the state university and colleges. There has always been a very apparent need of a close articulation between the colleges and university on the one hand, and the high schools on the other. The higher educational institutions and the common schools would both be the beneficiaries, and this without necessarily impairing the usefulness of the high schools in shaping their work with reference to the needs of the great majority of pupils who never go to college. With the single board of trustees having the management of the higher educational institutions, by the aid of the State Board of Education, it is not too much to expect that greater cooperation of the university and colleges, and of these institutions with the high schools may be expected in the future. In his biennial report to the legislature for the scholastic years 1915-1916 and 1916-1917 the State Superintendent of Education said[11]

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[10] Note the work of the Educational Commission appointed by act of the legislature of 1916; the State Text-Book Commission; the State Board of Examiners; and the State Illiteracy Commission.

> I am sorry that at certain times in the past our State Colleges have not cooperated in their work as they might have done. They have acted more in the nature of jealous rivals than as institutions working in a common cause. I am glad to notice, however, that there is now developing a spirit of harmony which I hope will be very much encouraged by us all. Not only should there be harmony of action and feeling amongst our state institutions, but also between them and our private and denominational schools, all working in perfect harmony for the good of all the people.
>
> This cooperation of effort should extend all the way down the line so as to include the teacher of the one-teacher school located in the most obscure section of the state.

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[11] Biennial Report State Supt. Education, 1915-1917, pp. 17-18.

The common school system of Mississippi, has as has been noted, made commendable progress since its establishment. With many obstacles to overcome, some of which might easily have been insurmountable, the state has advanced its system of public education during the past fifty years beyond the most sanguine hopes of many of the early supporters of the system. The public high schools of the cities and larger towns of the state have for many years been doing high school work of standard grade, some of them even antedating by twenty or thirty years the establishment of a public school system in the state; the country schools though lagging far behind for some time have during recent years, under the inspiration of demonstrated improvement through consolidation of rural schools and the establishment of county agricultural high schools, made wonderful improvement and are now in cases too numerous to mention on par with the best city and town schools in the state. But in spite of the improvement which has been attained, much remains to be done toward improving the educational system of the state. A mere enumeration of some of the things which are imperatively needed is all that will be attempted here.

In order to have a better system of public education in the state from which greater returns may be expected it is, first and foremost, necessary that the system be more liberally supported. It is unquestionably true that the increased returns from a greater investment by the state in the public school system would overwhelmingly justify the increased expenditure. The length of school term should be greater than provided in the present constitution of the state, and it should not be left to localities of the state to say that the youth of any particular community shall have advantage of only four months' schooling a year.

The amount of money invested in the school system is directly connected with the matter of administration of the various school units. In Mississippi the county is the logical administrative unit for the public school system. The county superintendent of education should be at the head of the county school unit, but he should be compelled to cooperate to a greater extent than is now required with the State Superintendent of Education. In the opinion of the writer, the county superintendent should not be an elected official; he should be selected by a board elected by the people of the county, say one from each of the five supervisor's districts of the county, which board should have authority similar to that now held by boards of trustees of city schools. The county superintendent of education is an important county officer and should be placed on a par with the other county officers, in the matter of compensation and in the allowance of sufficient clerical help. "The State Department of Education," says State Superintendent W. F. Bond, "can not make its influence felt in a county except through a competent county superintendent."[12] It might be added to this statement of the State Superintendent that the county school system can not make its influence felt in the county in a proper manner except through a competent county superintendent of education.

Some of the other means of improving the public school system of the state which seem paramount, and which have received attention more or less from educators in the state for some years,[13] are the better organization and direction of county agricultural high schools, the improvement of city and town high schools, the establishment of a sufficient number of rural high schools in every county in the state, and, to quote State Superintendent W. F. Bond, "so directing the education of the negro as to make every dollar spent count toward making him healthy, honest, and self-supporting."[14]

The higher educational institutions of the state do not suffer in comparison with the institutions of like character and purpose in other states. The earliest of the five state institutions for higher education, as has been noted,[15] was established in 1844, the latest in 1910.[16] The influence of these institutions in the state is incalculable. The two greatest needs of the institutions at present seem to be, first, better or rather more substantial financial support, and secondly, the removal of political influence from the administration of the affairs of the institutions.

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[12] Biennial Report 1915-1917, pp. 12-13.
[13] Biennial Report, 1915-1917, pp. 12-19, for example.
[14] Ibid., p. 18.
[15] The State University.
[16] The State Normal College.

In regard to the more substantial financial support of the institutions, it is not meant to say that the total amount appropriated to the various institutions should necessarily be greatly increased, however desirable that would be. What is meant is that the present plan of leaving the matter entirely within the hands of the state legislature, which means that biennially they have within their power, should they care to exercise it, the legal right seriously to impair the usefulness of the institutions is anything but desirable from an educational standpoint. It is a common practice in the administration of state universities and colleges in the United States that the institutions are supported in whole or in part by a mill tax.[17] The arguments advanced for the mill tax are (1) that it permits a fixed policy; (2) that revenues keep a proper pace with wealth; (3) that it provides staple support in times of financial depression; (4) that it prevents undignified lobbying at the legislature by college presidents; (5) that it saves time and annoyance to legislators and prevents ''log-rolling'' and ''wire-pulling;'' and that it adds to the self-respect of school men.[18] The institutions of higher education in Mississippi could well be placed upon the mill tax basis at least for the necessary support funds, leaving to the legislature the matter of when and to what extent the institutions should receive funds for permanent improvements and expansion. Numerous precedents may be cited for this method of financing state educational institutions, a method which is unquestionably better than the practice followed in Mississippi at present.

When it comes to the removal of political influence from the administration of the affairs of the state educational institutions of Mississippi, it is not meant to say that there must be absolutely no ''politics'' connected with the affairs of the university and colleges of the state; for the administration of these institutions constitutes an important part of public administration in the state, and the very fact that members of the boards of trustees are appointed by the chief political officer of the state would make any such claim more on the order of doctrinarianism than of practical public administration. What is meant, however, and what is easily within the bounds of practical administration is that the boards of trustees should be so constituted that no governor within his term of four years should be able to interfere with the administration of one of the state institutions in order to serve some political wish of himself or of a political faction in the state. As at present organized, should the governor care to interfere in the administration of the state university or colleges he has only to wait his opportunity when by appointment he has practical control of the personnel of the board. A method of selecting trustees could easily be worked out whereby this defect in the administration of higher educational institutions of the state would be effectively remedied.

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[17] The Virginia Education Commission made a report to the biennial session of the General Assembly of 1912 which gave some interesting data on this subject. See Pub. Adm. in Va., 1912, by F. A. Magruder, pp. 76-77, pub. by Johns Hopkins Press.

[18] See F. H. Magruder, Public Administration in Virginia, Johns Hopkins Press, 1912, p. 77.

CHAPTER III

GUARANTEEING BANK DEPOSITS

In no other branch of public administration in Mississippi is the change from absolute decentralization to well-ordered centralization so marked as in the control over the banking business of the state. The entire gamut has been run from utter lack of responsible direction and supervision to a system well coordinated under the direction of officials with power commensurate with their duties and responsibilities. A study of the history of banking in Mississippi from the earliest beginnings in 1809 to the present will indicate that decentralization existed up to 1914 and that centralization has taken place since that time.

In 1805 a resolution was passed in the Mississippi Territorial Assembly asking for the establishment at Natchez of a branch of the Bank of the United States. But this was refused by the president and directors at a meeting on June the twenty-fifth of the same year, and for nearly five years nothing more was done. In 1809, however, as a result of agitation which had been persistently carried on by the business interests, the question of establishing a bank was taken up by the Territorial Assembly. An act was passed December 23, 1809, for the establishment of a bank in the city of Natchez to be officially known as "A body politic and corporate, by the name and style of the President and Directors and Company of the Bank of Mississippi." The bank was accordingly established December 29, 1809, with a capital stock of $500,000 in $100 shares. The life of the bank was to be until 1834.[1]

By act of the Assembly, February 6, 1818, the name of this pioneer bank was changed to The Bank of Mississippi. Steady economic development had made it necessary for the bank to expand its business. Realizing this the Assembly raised the capital stock to $3,000,000, thus making thirty thousand shares available, of which the governor was to subscribe, on behalf of the state, one for every four subscribed by individuals.[2] The governor was to appoint five directors, and the life of the bank was to extend to December 31, 1840. In the same sitting the Assembly authorized the establishment of a branch bank at Woodville and one at Port Gibson. The following unusual promise was made to the Bank of Mississippi: "No other bank shall be established by any further law of the state during the continuance of the aforesaid corporation, for which the faith of the state is hereby given."[3]

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[1] Ency. Miss. Hist., Rowland, Vol. I, pp. 181-182; also see A Hist. Of Banking in All Nations, Sumner, Vol. I, p. 60-61.

This charter and pledge were bitterly criticised by Governor Poindexter in his message of 1821. He protested on the ground that the Assembly had no right to create a monopoly of any business within the state; moreover, he denied the power of one assembly to pass measures which would curb the actions of subsequent assemblies. But the next few years brought more trouble, for the state was becoming hopelessly in debt. By acts passed in 1827, 1828, and 1829 the debt was considerably increased; and when, in 1830, the legislature attempted to have the bank make further dangerous expansions, the Bank of Mississippi refused.[4] Angered by this refusal the legislature passed an act in February, 1830, creating the Planters' Bank of the State of Mississippi. In so doing the legislature of 1830 ignored the pledge which had been given the Bank of Mississippi in 1818.

The Planters' Bank was to be established at Natchez, with a capital stock of $3,000,000, in shares of one hundred dollars each, twenty thousand to be subscribed by individuals. The life of the corporation was to be until 1855. This point should be noted: the bank was authorized to issue paper money of denominations not under five dollars, *without limit.*[5] In November, 1831, the Planters' Bank was in operation "and prospering beyond our most sanguine expectations," said Governor Brandon.[6]

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[2] A History of Banking in All Nations, Sumner, Vol. I, pp. 60-61.

[3] Ency. Miss. History, Rowland, V. I, p. 182.

[4] Ency. Miss. History, Rowland, pp. 181-185.

[5] Ibid., V. I, pp. 181-185; also Sumner, History of Banking in All Nations, Vol. I.

[6] Quoted by Dr. Rowland, Ency. Miss. Hist. Vol. I, p. 188.

The Bank of Mississippi had had an exclusive right to do a a banking business in Mississippi for over twenty years, and throughout its career it had been successful; but believing that the state had chartered a new bank under conditions which would possibly, and very probably, lead to wildcat banking, this first bank of Mississippi sought to liquidate. By act of the legislature, December 19, 1831, the authority was granted and the bank soon wound up its business.

In 1832 branches of the Planters' Bank were established at Vicksburg and Rodney. Every month found the state deeper in debt; state bonds to the amount of $1,500,000 were sold in 1833. "The state," says Dr. Rowland, "was now in the throes of boundless speculation, and prices were inflated beyond reason to correspond to a fictitious valuation of land."[7]

In his message of January, 1835, Governor Runnels said: "On the withdrawal of the branch of the United States Bank[8] from the state, which must take place during the ensuing year, we shall be left with a banking capital of little more than six millions of dollars and that chiefly located at Natchez. The net proceeds of the state in 1833 was $11,316,000, and might be fairly estimated at $15,000,000 in 1834, and it is ridiculous to suppose that the state could get along with a banking capital of $6,000,000."[9]

At this time, however, other banks were coming into existence. By act of the legislature in 1835 three combination railroad and banking companies were chartered with an aggregate capital of $7,000,000. In 1836 nine similar corporations were formed with capital ranging from one million to four million dollars.[10] It is not at all difficult to see the direction of events when the fact is noted that all these corporations issued paper money in profusion.[11]

In 1837 the legislature met in special session in response to a call from Governor Lynch. The governor hoped that by some curative act matters could be remdied; but with the additional impetus which the opening of the Chickasaw lands had given to wild speculation it was evident that nothing could be done. The great financial crash came in May, 1837, when all the banks of the United States suspended specie payment. Many bank failures were reported during the latter part of 1837. The Union Bank had first been proposed in 1835; and now in the midst of all this trouble came Governor McNutt's proposal for the establishment of such a bank. He worked with indefatigable energy to this end and at last succeeded.

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[7] Ency. Miss. Hist., Rowland, Vol. I, p. 190.

[8] Established at Natchez March 4, 1831.

[9] Ency. Miss. Hist. Rowland, Vol. I, p. 190.

[10] Hist. Banking in All Nations, Sumner, V. I, Ency. Miss. Hist., Vol. I, p. 190.

[11] Ency. Miss. Hist., Rowland, Vol. 1, p. 190.

The three bank commissioners who had been elected by the legislature in 1837 made their report in 1838. This report gives in detail the absurd principles upon which banks were organized during this period. In part, the commissioners said: "The history of civilization affords no evidence of any device so simple and efficient in reducing the country to vassalage as these principles of banking."[13] Professor Sumner corroborates this statement when he quotes the following article from the July, 1839, Free Trader: "Against the banking institutions of Mississippi we find the voice of their former warmest and most devoted friends becoming loud, indignant, and denunciatory. Every day only increases public imprecations against their unscrupulous swindling."[14]

Sooner or later a change had to come. Following the report of the bank commissioners in January, 1840, the Act of February, 1840, ended the career of many banks. The Planters' and the Agricultural Banks with a few others put their assets in trust before the law was passed.

In 1841 the repudiation by the state of the bonds of the Union and Planters' Banks was proposed by Governor McNutt. This proposition was not acted upon at the time but in 1853 the

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[12] Hist. Banking in All Nations, Sumner, V. I, p. 323. This first group of bank commissioners had mere advisory powers. Aside from making reports on the banking situation in the state they accomplished nothing as an administrative body.

[13] Hist. Banking in All Nations, Sumner, Vol. I, p. 323; also Raguet's Register, 43, July, 1838; ditto, 379.

[14] Ibid.

question of paying the bonds was referred to the people at the general election. Whether the people thought that, inasmuch as they were alleviating the burden of the state, they were acting on sound principles it is impossible to say. Be this as it may the returns from the election showed that the people were in favor of repudiation.

"The opposition to banks," says Mr. R. W. Millsaps, "was so great that some of the banks that could have weathered through the financial trouble preferred to liquidate."[15] Only three banks[16] survived the panic and they had confined themselves to a very restricted business.

A bank founded on sounder business principles, the Bank of Britton and Koontz, was established in 1835 at Natchez. It did not issue any paper money, but contented itself in doing a brokerage and exchange business immediately after the failure of the other banks. It survived both panics and the Civil War and continues down to the present time.[17]

Of the period just preceding the Civil War nothing can serve better to make plain the conditions existing in the banking business in the State of Mississippi than the remarks of Henry V. Poor quoted by Professor C. H. Brough:

> "The $48,000,000 of loans were never paid; the $23,000,000 of notes and deposits were never redeemed. The whole system fell a huge and shapeless wreck, leaving the people of the state very much as they came into the world. Their condition at the time beggars description. Everybody was in debt, without any possible means of payment. Lands became worthless, for the reason that none had any money to pay for them. The only personal property left was slaves, to save which, a number of people fled with them from the state, so that the common return upon legal process against debtors was in the very abbreviated form of G. T. T.—gone to Texas—a state which in this way received a mighty accession to her population."[18]

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[15] R. W. Millsaps, Hist. Banking; Quoted in full by Rowland, Ency. Miss Hist., Vol. 1, pp. 181-207.

[16] Commercial Bank (Yazoo City), Northern Bank (Holly Springs), and Bank of Britton & Koontz (Natchez); see above for nature of business done by last named bank.

[17] Wirt Adams & Co., and Brown, Johnson & Co. were the private bankers of Vicksburg before the Civil War; J. & T. Green and Griffith & Stewart of Jackson. The Columbus Ins. & Bk. Co. (now the First National Bank of Columbus) was established in 1852.

[18] Poor, H. V., Money and Its Laws, p. 540; Ency. Miss. Hist., Vol. I, p. 199.

In 1876 the constitution was amended to prohibit the payment of the bonds of both the Union and Planters' Banks and this prohibition is continued in the constitution of 1890.[19]

A law was passed in 1888 placing all the banks of the state under inspection.[20] This law, supplemented by the banking law of 1892,[21] remained in force until the act of March 9, 1914.

Neither the law of 1888 nor the supplementary law of 1892 brought any real supervision of banking. Under the provisions of the law of 1888 all state banks were required to make quarterly reports to the Auditor, and the Auditor was given authority to make requisition upon all banking institutions for such reports, but beyond this meagre means of control the banks remained practically free of any direction from a governmental agency.

In 1888 thirty state banks were operating in the state of Mississippi with an aggregate capital of $1,660,000 and deposits of $4,593,000. In 1894 there were sixty-three, with an aggregate capital of $3,278,000 and deposits of $5,000,000.[22] Individual deposits in the National Banks in Mississippi increased from June 30, 1896 to October 31, 1904, 286 per cent. For the same period the deposits in state and private banks increased 306 per cent.[23]

Since 1900 the banking business in Mississippi has grown by leaps and bounds. The following comparative statement shows the growth of state banks in Mississippi from 1890 to 1918. The figures are taken from the report of the state auditor made at the close of business December 27, 1913, and from the report of the Board of Bank Examiners made at the close of business June 29, 1918.

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[19] Repudiation Resolution, Const. 1890, Sec. 258, Art. XIV. See Vol. IV, pp. 493-497, Publications of Miss. Historical Society for a concise history of the Planters' Bank Bonds, and the Union Bank Bonds of the State of Miss., by Judge J. A. P. Campbell.

[20] Acts, 1888, Ch. 11, Secs. 1, 2, 3, 4.

[21] Acts, 1892, Chapters 150-166, inclusive.

[22] Bank Commissioners' Reports, 1888, 1894.

[23] Quoted from the report of the Secretary of Agriculture in Ency. Miss. Hist., Vol. I, p. 206. Of the Secy. Agr. Report, Vol. I, p. 270.

Year	No. of Banks	Capital	Deposits	Total Resources
1900	101	$4,279,495.88	$12,547,102.73	$19,345,840.57
1901	117	4,890,811.23	13,677,750.30	23,984,412.12
1902	129	5,468,800.33	16,279,324.59	26,544,956.83
1903	153	6,555,783.00	21,229,869.87	33,255,430.53
1904	183	7,668,078.06	27,413,043.02	41,513,372.07
1905	234	9,608,804.52	30,000,000.00*	50,620,811.20
1906	263	10,824,813.41	31,650,294.22	57,691,832.05
1907	274	11,646,512.00	41,647,752.27	60,353,850.55
1908	316	12,496,911.50	35,421,460.63	56,876,363.74
1909	324	12,765,038.72	39,284,101.50	60,950,229.08
1910	328	12,724,003.42	43,364,483.62	66,688,649.98
1911	342	13,302,886.49	55,031,762.76	76,489,527.45
1912	334	13,128,673.83	51,071,454.69	74,221,609.16
1913	331	12,706,926.55	51,085,525.67	75,321,434.22
1914	306	10,938,080.00	46,450,353.05	67,113,834.46
1915	281	9,834,525.00	40,692,653.06	59,122,522.82
1916	276	9,583,025.00	41,857,666.63	68,015,862.22
1917	285	9,758,825.00	72,848,762.58	90,260,559.59
1918	288	9,915,125.00	92,435,752.08	124,373,538.44

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*Approximate.

Note: (1) The decline of six and a quarter million dollars in deposits from the time of the report in 1907 (March 29th) to the report of 1908 (June 2nd).

(2) While an unprecedented number of banks failed between 1907 and 1914 nearly an equal number of new banks were chartered, making the total number of banks remain but little changed during this period.

In his address at the seventeenth annual session of the State Bankers' Association, at Vicksburg in 1905, Auditor T. M. Henry quoted the observation of the New York Financier of April, same year,

> "The remarkable growth of the banking industry in Mississippi is an ever-increasing source of wonder * * * * In the more conservative circles the assertion is being frequently made that the banking business is being overdone, and that a reaction will follow," but, continues the observation, "such does not appear to be the case from the financial statements now being tabulated by the auditor. All of these banks are in splendid financial shape, carrying large deposits and good volumes of well-secured loans."[24]

And Dr. Rowland writing in 1907 makes the following statement: "With one exception there has been no bank failure in Mississippi for the past ten or twelve years, and the total for the past twenty-five years has been very small."[25]

But beginning in 1908 the reaction spoken of in the New York Financier began and—what is worse—continued with an ever-increasing danger to the equilibrium of all forms of business throughout the state. Indeed at the beginning of the year 1914 the astounding number of bank failures might be spoken of as "a source of ever-increasing wonder." From 1907 to 1914 there were no less than one hundred bank failures in the State of Mississippi.[26] As compared with this amazing number of failures in Mississippi, it is of interest to note the number of failures in other states in which conditions industrially, socially, and politically are similar to those in Mississippi. During this same period in Georgia there were only six bank failures; in Louisiana, eighteen; in North Carolina, eighteen, five of which made arrangements and re-opened at once; in South Carolina, eleven; in Virginia, fifteen; in Oklahoma, thirty-nine; in Texas, eight; and in Florida, four, the largest of which paid its depositors in full with interest.

Beginning in 1908 each year showed more and more agitation throughout the state in favor of strict legislation regulating banks, and a great deal of this agitation came from depositors who had lost money in defunct banks. They wanted a law that would insure deposits. The great number of bank failures, with their accompanying disasters, showed clearly the need of reform in the banking system. Some interest had been taken in the matter by a few members of the legislature, but they had never been numerous enough to secure action. After 1908, however, with the ever increasing frequency of bank failures in different sections of the state, interest both in and out of the legislature was aroused. Frequent editorials appeared in the papers; bankers and other business men were becoming keenly interested in the serious situation; and, along with this interest of bankers, business men, and the public generally, more members of the legislature were expressing themselves in favor of drastic laws regulating the business of banking. Realizing that some reform was undoubtedly necessary, members of the legislature and others began to study the conditions in order to try to discover some of the causes and, if possible, to find a remedy. No general reason could be assigned for the great number of bank failures. In one case the cause would be due to business depression in a particular section of the state; in another, to unwise business methods of the bank officials; in another, to wildcat banking of the worst type; and in a few instances to looting by some official of the bank. But one thing was quite apparent: no such thing as real centralized supervision existed. The State Banking Department had neither the authority nor the administrative machinery necessary to the proper supervision of the banking business of the state.

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[24] Proceedings Bankers' Assn. 1905; quoted more fully Ency. Miss. History, Vol. 1, p. 207.

[26] See Auditor's Reports; also 1915 Report Banking Department.

[25] Ency. Miss. Hist., V. I, p. 207.

Before the meeting of the legislature in January 1914, much had been said of the guaranty of deposits system then existing in a few states. The laws of Oklahoma[27] and of Texas[28] especially were frequently referred to as being, in many respects, applicable to the conditions in Mississippi. There was growing agitation for reform during the few months that preceded the meeting of the legislature. During January and February while the legislature was in session fourteen state banks failed involving an aggregate loss of no less than three hundred thousand dollars to depositors. It was quite evident that the time was ripe for legislation. Early in this session the proposition for a law regulating banking was received, therefore, with much attention; a bill was soon formulated and started on its journey. As is always the case in such matters, the bill was beset with many formidable obstacles, but a law was enacted, which, with a few amendments passed in 1916 and 1918, stands at the present time.

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[27] Plan which went into effect Feb. 14, 1908; modified in 1909; amended in 1913.

[28] Act of Aug. 9, 1909; guaranty clause in effect Jan. 1, 1910.

Before taking up those details of the 1914 law which pertain to the operation of the guaranty system it will be well to consider that part of the law which provides the means necessary for the operation of the system. The part of the law which treats of the selection of the administrative officers is not only interesting, but it is also unique in many respects. We might call it a "civil service elective" combination plan. The idea of centralization is seen throughout the plan.

Section 2 of the Act provides: "There shall be a board of bank examiners consisting of three members, who shall choose among themselves a chairman,[29] and a majority of whom may for all purposes act for the board, and who shall be elected, one by and from each supreme court district at the time and in the manner that state officers are elected, and whose term of office shall be for four years and until their successors shall qualify." In paragraph one of Section 3 there is this provision: "No person shall be eligible to become a bank examiner who is not a qualified elector; thirty years of age; a practical accountant; who does not thoroughly understand the theory and practise of banking; who has been manager or otherwise in control of any banking institution or other business enterprise which has failed or liquidated its debts below par during such management, or who has not secured a license to become a candidate for said office as hereinbefore provided. No person while occupying the position of bank examiner shall be employed by or have interest in any bank or banking business within the state, and any violation of this provision shall, ipso facto, make vacant the office." The restriction that is thus imposed upon the candidates for the position of bank examiners is sufficient to insure the limitation of their number.

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[29] Amended 1918 Laws Ch. 165, Sec. 2, by the provisions of which the Chairman is selected by the bank commissioners from the three bank examiners, and the Chairman is made executive head of the bank examiners.

It is obligatory upon all bank examiners to take the oath of office and to provide for bond in some surety company of the state to the amount of twenty-five thousand dollars as an assurance for the faithful and impartial discharge of the duties connected with the office.[30]

Section 4 of the Act provides for a board of bank commissioners, consisting of three members, whose duty it is to examine candidates for bank examiners. The commissioners are appointed as follows: one, a successful banker and business man, to be appointed by the governor; one, an experienced lawyer, to be appointed by the attorney general; the last, an experienced accountant, to be appointed by the auditor; they must be not less than thirty years old and qualified electors. Their term of office is four years. In case a vacancy should occur in the board of bank commissioners, by reason of resignation or otherwise, the appointment shall be made by the officer who had nominated the former commissioner.

The examinations of the candidates for bank examiners are held by the board of bank commissioners in the office of the banking department on the first Monday in March preceding the general election in November.[31] If any candidate wishes to take the examination at any other time he must make an application and pay fifty dollars to the State Treasurer for the credit of the banking fund; it is then the duty of the bank commissioners to hold the special examination within thirty days following the receipt of said application. At the end of this special examination a license may be granted as in regular examinations, viz., the right to become a candidate for election to the office of bank examiner.[32]

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[30] Paragraph 2, Section 3 of the act.
[31] Sec. 4, Par. 2 and 3 of the Act.

The members of the board of bank commissioners receive a per diem of five dollars and are allowed their actual expenses while in the discharge of their duties. This amount is paid out of the banking fund.[33]

We have seen that every person before being eligible to hold the position of bank examiner must be given a license or certificate by the board of bank commissioners. The bank commissioners, as before said, hold the examinations—which are always written—in the office of the banking department on the following subjects: accounting, the theory and practise of banking, the banking laws of the State of Mississippi, and the federal banking laws. "To each person who attains a grade of seventy-five per cent or more on the examination and who furnishes satisfactory evidence of good moral character, and the possession of all the other qualifications set out in the Act, the examining board issues a license to become a candidate for state bank examiner, which license is good for four years."[34]

The law makes it obligatory upon the bank commissioners that the examinations, questions, answers and statements of all applicants be filed in the banking department, all such data being opened to public inspection. It is further provided that all examination questions shall be kept strictly secret until the examination is held. There is a penalty, amounting to a fine of not over $500 and removal from office in case any information is given by any commissioner or employee of the banking department.[35]

When a vacancy occurs in the board of bank examiners it is provided that the bank commissioners shall fill the said vacancy by competitive examination of applicants residing in the supreme court district in which the retiring examiner was elected. The examination is held on the second Monday following the date of the vacancy.[36]

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[32] Sec. 4, Par. 4 of the Act.

[33] Sec. 4, Par. 5 of the Act.

[34] Sec. 5, Par. 1, Act.

[35] Sec. 5, Par. 1, Act.

It has been asked, What would happen if a sufficient number of applicants should fail to qualify? On this point the law answers as follows: "If for any reason, any regular or special examination is not held at the time provided in this Act, or if at any regular or special examination a sufficient number of applicants fail to qualify for the office of bank examiner, then it shall be the duty of the board of bank examiners to hold on every tenth day thereafter a special examination until the required number of applicants shall qualify."[37]

Any bank examiner may be removed from office by the board of bank commissioners.[38] The salary of the examiners is $3,600[39] a year with an allowance for expenses while traveling on official duty.

Concerning the duties of bank examiners, briefly, the law provides that "it shall be the duty of the bank examiners to apportion the work among themselves of examining banks, in such a manner that each bank shall be examined twice a year, and oftener if necessary, at irregular intervals and without prior notice."[40] It is further provided that no examiner shall examine any one bank twice in succession.

For the maintenance of the banking department each bank subject to the provisions of the Act—that is, every state and private bank—is assessed for each year one-fortieth of one per cent of its total assets.[41]

The part of the law of 1914 which contained the guaranty of deposits provision went into effect May 15, 1915.[42] As the guaranty system did not become mandatory until that date, a provision of the law allowed any bank that had complied with the state laws to participate in the benefits of the guaranty fund before that time, that is, any time after March 9, 1914, the time of the passage of the act and from which time all provisions of the law, except the guaranty clauses, went into effect.

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[36] Sec. 5, Par. 3, Act.

[37] Sec. 5, Par. 4, Act.

[38] For details see Sec. 6, Par. 1 of the Act.

[39] By Sec. 6, Par. 1, Law of 1914 the salary of bank examiners was $3,000 a year; made $3,600 by Sec. 7, Ch. 165, Law of 1918, upon recommendation of board of bank commissioners.

[40] See Sec. 10 of the act for further provisions, as, e. g., the question of assistants when needed.

[41] Sec. 23 of the act.

[42] Secs. 33 and 34 of the Act.

Each bank entitled to the certificate of guaranty must, before receiving it from the bank examiner, "deposit, and at all times maintain with the state treasurer (subject to the order of bank examiners when countersigned by the auditor of the state) United States bonds, Mississippi State bonds, the bonds of any levee district, or the bonds of any county, township or municipal bonds within the State of Mississippi, to the amount of $500 for every $100,000 or fraction thereof of its average deposits eligible to the guarantee (less its capital and surplus) as shown by its last four published statements, provided that each bank shall deposit not less than $500."[43] As a further protection it is required that all bonds offered by the banks shall bear the certificate of the attorney general of the State of Mississippi, stating that, in his opinion, the bonds have been legilly issued. It is also provided that the bonds, or cash in lieu thereof, shall not be charged out of the assets of the bank, but shall be carried in its assets under a heading "guaranty fund with state treasurer," until such time as the bank shall default in payment of assessments provided for by the guaranty clause of the Act.[44]

In addition to the above requirement each bank must pay in cash an amount equal to one-twentieth of one per cent of average deposits eligible to guaranty, less its capital and surplus; provided, however, that the minimum assessments required from any bank be $20.[45] The money accruing from this source is credited to the bank depositors' guaranty fund with the state treasurer, subject to the order of the board of bank examiners. This fund (including the aforesaid $500 bond or money pledge)[46] is for the purpose of paying at once, the depositors of banks declared insolvent by the board of bank examiners, or of banks that fail; the payments to be made under the direction and control of the board of bank examiners. All payments made to the depositors of banks under the provisions of the guaranty act are to be repaid (as far as the assets will go) out of the assets of any bank whose depositors are paid out of the guaranty fund.[47] It is further stipulated in the act, that such payments shall be a first lien on the assets of such bank.[48]

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[43] Sec. 34 of the Act.

[44] Ibid.

[45] This assessment is not made on new banks formed by the reorganization or consolidation of banks which have previously complied with the terms of the act.

[46] See above.

The board of bank examiners are to make during the month of January of each year these assessments of one-twentieth of one per cent of the average guaranteed deposits, less capital and surplus, of each bank (the minimum assessment to be $20) until the cash accumulated and placed to the credit of the bank depositors' guaranty fund shall be approximately $500,000[49] above the cash deposited in lieu of bonds; only then, shall such assessment be discontinued; but should the fund become depleted it becomes the duty of the board of bank examiners to make such additional assessments from time to time as may become necessary to maintain the said $500,000 (approximately). It is provided, however, that not more than five such assessments of one-twentieth of one per cent each shall be made in any one calendar year.[50]

As to the keeping of the depositors' guaranty fund the law says, "The treasurer of the State of Mississippi shall hold this fund in the State depository banks, as provided by law governing other state funds subject to the order of the board of bank examiners, to be countersigned by the auditor of the state, for the payment of depositors of failed guaranteed banks, as hereinafter provided. The state treasurer shall credit this fund quarterly with its proportional share of interest received from state funds computed at the minimum rate of interest provided by law upon the average daily balance of said fund.''[51]

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[47] Sec. 34 of the Act.

[48] Ibid.

[49] Recommended that Sec. 35 Law of 1914 be amended so as to require that the guaranty fund be built up to $1,000,000 instead of $500,000. See p. 8, Biennial Rpt. Banking Dept., State of Miss., Jan. 1, 1918.

[50] Sec. 35 of the Act.

When a bank is found insolvent the bank examiner takes charge of such bank, as provided by law, and proceeds to wind up its affairs. It becomes his duty at the very earliest possible moment to issue to each depositor a certificate bearing six per cent interest per annum, upon which dividends are entered when paid, except where a contract rate exists on the deposit, in which case the certificate bears interest at the contract rate.[52] It is provided further that ''after the officer in charge of the bank shall have realized upon the assets of such bank and exhausted the double liability[53] of stockholders, and shall have paid all funds so collected in dividends to the creditors, he shall certify all balances due on guaranteed deposits (if any exist) to the board of bank examiners, who shall then, upon his approval of such certificates, draw check upon the state treasurer, to be countersigned by the auditor of the state, payable out of the bank depositors' guaranty fund in favor of each depositor for the balance due on such proof of claim as hereinafter provided.''[54] If at any time the available funds in the bank depositors' guaranty fund is not sufficient to pay all guaranteed deposits of any failed bank, the five assessments provided for[55] having been made, the board is authorized to pay depositors pro rata, and the remainder is paid when the next assessment is available. Whenever the board of bank examiners pay any dividend to the depositors of any failed bank out of the bank depositors' guaranty fund, then all claims and rights of action of such depositors reverts to the board of bank examiners for the benefit of the bank depositors' guaranty fund, until the said fund is fully reimbursed for payments made on account of such failed bank, with interest thereon at three per cent per annum.[56]

There is a penalty imposed upon any bank that fails to remit the amount of its assessment within thirty days after receiving the notice of such assessment from the board of bank examiners. The penalty is sufficiently great to discourage any dilatory practice by the banks.[57]

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[51] Sec. 35, Act of 1914.
[52] Sec. 36, act of 1914.
[53] Sec. 59, act of 1914.
[54] Sec. 36, law of 1914.
[55] Sec. 35.
[56] Sec. 35.

The law itself defines "guaranteed deposits." Section 38 provides: "All deposits not otherwise secured shall be guaranteed by this Act. The guarantee as provided for in this act shall not apply to a bank's obligation as indorser upon bills discounted, nor to bills payable, nor to money borrowed from its correspondents or others, nor to deposits bearing a greater rate of interest than four per cent per annum. Each bank shall certify under oath to the board of bank examiners at the date of each called statement the amount of money it has on deposit not eligible to guaranty under the provisions of this act, and in assessing such bank this amount shall be deducted from the total deposits."

The rate of interest which banks are permitted to pay depositors, and the penalty for the violation of this mandate are provided for in the law.[58]

When a solvent guaranteed bank wishes to retire from business, its bond or money pledge will not be surrendered by the state treasurer until depositors and all assessments have been paid in full. Furthermore, any assessments that may remain in the bank depositors' guaranty fund, will never be returned to the retiring bank.[59]

Section 43 of the act makes it unlawful for any bank "to receive deposits continuously for six months in excess of ten times its paid-up capital and surplus, except savings banks." A fine of not less than $500 nor more than $1,000 is the penalty for the violation of this provision.

It is not surprising that at first the great majority of bankers protested energetically against the provision concerning the guaranty of deposits. They considered it as an unwarranted interference, and their reason was very obvious. Hitherto, the banker gave a certain interest to the depositors, but his responsibility did not go farther; thereafter he could use the funds as he pleased and be happy if risky speculations could make him a rich man in a very short time. In truth, the bank period up to 1915 might be better known as the golden age of speculators. This "laissez faire" policy was favorable only to the bankers, and the protection given to the public by the 1914 law appeared to the banker as an attack against his natural rights. Asserting that the strict regulations of the new law reduced him to the level of a government employee, he accused the law of doing away with initiative, the necessary incentive to serious work.

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[57] Sec. 37, act of 1914.
[58] Sec. 39, act of 1914.
[59] Sec. 40, Act of 1914.

Many bankers, alive to the opinion entertained by the general public, were ready to welcome some few restrictions on the banking business. They were ready to do away with abuses, but the guaranty system seemed altogether too drastic for them, and they attempted to explain that it would lead to impossible conditions in the banking business. The objections of many bankers ran something like this: "Deposits, in a badly managed bank, will be protected by the good banks, so that skill, honesty, and care, will pay for incapacity or even for dishonesty. Under the old system the great point for the depositors was to insure the safety of their deposits; guaranteeing deposits impairs that protection against competition which a successful established bank has by reason of its reputation and good will. Under the proposed system the depositors chief interest will be loans or interest rates; this runs directly against the interest of the banks. Under the old system, the surplus of a bank was not only a special attraction, but also one of the working bases of the banking system; under the new system, the surplus would be useless. Moreover, the lack of freedom which changes a banker into a subordinate official, will drive from the banking corporations the most energetic and enterprising men." The law, therefore, according to the banking class would weaken the entire system.

Starting from the chartering of the first bank in 1809, we may group the phases of the banking business in Mississippi into four distinct periods: (1) The period from 1809 to 1888, or the strictly "laissez faire" period; (2) The progressive period from 1888 to 1908, with very little administrative supervision by state officials; (3) The downward period from 1908 to 1914, with the astounding number of bank failures, and still no effective means of control by a state administrative agency; and (4) The prosperous period from 1914 to 1918, the time of this writing, the period during which there has been a high degree of centralization and efficiency of supervision and control by a state administrative board.[60]

There remains now to be discussed the success which has been attained in the banking business of the state under the law of 1914, amended in a few minor respects by laws of 1916 and 1918.

In the biennial report of the Banking Department to the State Legislature, January 1, 1918, is found the following statement: "At the outset we want to reiterate a statement made to your honorable body in our first annual report and that is that the Banking Act of 1914 is a splendid piece of legislation, and has stood the most crucial test and criticisms during the four years it has been in practical operation." The law of 1914 has been found successful to the extent that it has been found necessary to make only a few changes in the original act. In 1916 the amendments were of a supplementary nature, viz., fixing a penalty for false statement by any officials of state banks,[62] defining what constitutes perjury on the part of bank officials,[63] and making punishable "the giving of checks, drafts or orders on any bank or other depository, wherein the person so giving such check, draft or order shall not have sufficient funds, or a credit for the payment of the same."[64]

In the 1918 session of the legislature two recommendations of the Banking Department suggested in the interest of greater efficiency of administration were enacted into law. Thy had to do with, first, the Chairman of the Board of Bank Examiners, and secondly, the employment of attorneys by the board of bank examiners. As to the first, under the law of 1914 the duties of the Chairman of the Board of Bank Examiners were not fully defined or prescribed. The provsion of the 1914 law[65] was so amended that "the Board of Bank Commissioners shall elect one of the three Bank Examiners as Chairman of the Board of Bank Examiners, whose duties shall be to preside at all meetings of the Board and to have general supervision of the office, giving same the necessary time and attention so that all business of the department shall be dispatched with promptness and decision."[66] And as to the employment of attorneys, the Examiners found in the progress of their work that it sometimes became their duty, in the liquidation of insolvent banks especially, to prosecute criminally persons who had been instrumental in wrecking these banks, and their experience was that the District and State attorneys were so overcrowded with work that it was necessary to employ additional legal assistance in the prosecution of these cases. There was no fund or provision for such purpose under the law of 1914, and in most instances the assistance they received was offered by attorneys through friendship for the Board, and through their desire to see the banking law properly and fully executed.[67] The amendment of 1918 provides for attorney's fees where such prosecution and other advice is necessary.[68] The other amendments were of such a nature as not to demand attention in this discussion.[69]

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[60] Four periods of the history of banking as given by Charles Hillman Brough in 1900: (1) Sound banking and secure issues (1809-1830); (2) State banking and shin plasters (1830-1842); (3) Brokerage and bankruptcy (1842-1865); (4) Private and national banking and cautious conservation (1865-). See Miss. Hist. Society, Vol. III, p. 317.

[61] Biennial Report, Banking Dept., Jan. 1, 1918, p. 3.

[62] Secs. 2, 3, Laws of 1916, approved April 8, 1916.

[63] Ibid., Sec. 4.

[64] Sec. 1, Laws of 1916, approved Feb. 12, 1916.

Since the guaranty law has been in effect only five banks have failed.[70] According to the Bank Examiner's statement, most of these were small institutions and their failure was not due to any fault of the law, but was caused by internal divisions or dissensions or other troubles of that nature.[71]

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[65] Sec. 2, Banking Law of 1914. Formerly the three Bank Examiners named one of their number as chairman. As now selected, the Chairman is freer in exercising administrative powers.

[66] Biennial Report, Banking Dept., Jan. 1, 1918, p. 7; laws of 1918, sec. 2, ch. 165, p. 177.

[67] Biennial Report, Banking Dept., Jan. 1, 1918, p. 6.

[68] Laws of 1918, sec. 70, ch. 165, p. 181.

[69] Laws of 1918, ch. 153, p. 157; ch. 165, pp. 176-181, inclusive; ch. 189, sec. 4, p. 211; ch. 247, pp. 303-305, inclusive; ch. 248, p. 306.

On account of the small assessment, as the law provides, on bank deposits the Guaranty Fund has been slow in building up, and on October 1, 1918, this fund, in round numbers, amounted to $178,000. This fund has been accumulated by regular assessments for the last three years, with only three special assessments of one-twentieth of one per cent, making a total of one tenth of one per cent assessment each year. While the law permits the Board of Bank Examiners to make five assessments of one-twentieth of one per cent a year, it has not been necessary to take advantage of all these assessments. At the time of this writing (November 1918) the liquidation of the five banks that have been forced to close their doors has not been completed. Some of the failures were bad and the resources of the banks will be inadequate to take care of the depositors. There will be in all probability,[72] a deficit of about $300,000 between the amount realized on the assets of the five banks and the liability to depositors. The law provides for five additional assessments each year when necessary to take care of any depletion of the guaranty fund. It will possibly be another twelve months before the guaranty fund will be drawn upon, or before the Bank Examiners Board will know definitely what amount the deficit will reach;[73] in the meantime the regular annual assessment of one twentieth of one per cent will be made as in the past four years, and at the proper time the additional assessment, as permitted by law, will be made and all depositors of the five defunct banks will receive the full amount of their deposits.

As provided by law, certificates were issued to all depositors of the five defunct banks. As stated by the Bank Examiners Board "to handle successfully the estate of a defunct bank is hard and tedious work;"[74] and to try to unduly rush such work through would mean to make many sacrifices and thereby draw more heavily upon the guaranty fund in the final settlement with depositors. So we find on January 1, 1918, three of the five defunct banks "percentage of credits paid" was zero; one, ten per cent, and one sixty per cent. But the depositors have not had to wait to receive the amount of their deposits throughout this rather extended period. Quoting Mr. J. A. Bandi,[75] President Mississippi Bankers Association for 1917, on this subject: "Great credit is due to the several examiners for the heroic efforts they have put forth in having the certificates issued to depositors, taken up and cashed in full by other banks. This has operated greatly to the benefit of depositors and relieved in several communities what might have otherwise been heavy distress and embarrassment with many people of small means."

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[70] Covington County Bank (Collins) Feby. 1, 1916; Bank of Commerce (Gulfport) Dec. 14, 1916; Bank of Newton (Newton) Feb. 16, 1916; Bank of Sallis (Sallis) May 23, 1917; Peoples Bank (Wiggins) Feb. 18, 1916.

[71] Biennial Report, Jan. 1, 1918, p. 3.

[72] Letter from Chairman Bank Examiners Board, Oct. 5, 1918.

[73] Biennial Report, Bank Dept., Jan. 1, 1918, p. 5.

It is the statement of the Chairman of the Board of Bank Examiners,[76] that in making the first examination and deciding between the banks that were eligible to be guaranteed and those that were not, out of a desire to do no injustice, perhaps some degree of leniency was shown and possibly there were several banks admitted to the guaranty which ought to have been liquidated. This very probably accounts for some of these five failures.

There seems to be no doubt, after four years trial, that the banks, who really pay the bill, are satisfied with the results which have been obtained under the present banking law. The Bank Examiners Board states that fully ninety per cent of the banks have not only become thoroughly reconciled to the new system, but that they give it their hearty support, although practically all of the state banks fought the law, especially the guaranty of deposits feature, when it was proposed in the state legislature.[77]

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[74] Ibid., p. 4.

[75] Journal of the Miss. Bankers Association, May 1917, p. 25.

[76] J. S. Love, statement in letter, Oct. 8, 1918.

[77] Ibid.

Some of the banks are inclined to look upon the assessments in the light of a premium on an insurance policy protecting the depositors against loss, and the banks as a business proposition welcome the privilege of paying a premium on a policy averaging one tenth of one per cent on their eligible deposits a year to get the benefit of advertising that their deposits are fully protected against loss in the event of a bank failure.

At the twenty-seventh annual convention of the Mississippi Bankers Association, held in Jackson, Mississippi, May 1915, Mr. Henry Hart, president of the Association, made the following statement regarding the new banking law: "While there were some features of the law when the bill was under discussion, which I, with others of this association, thought were bad and undesirable, I think, upon the whole, that the law as it is today, and as it is being enforced, is undoubtedly to the best interest of all—the banker and the depositor."[78] And in May 1917, after three years under the new system, we have the following statement from Mr. J. A. Bandi, president of the First National Bank of Gulfport, and president of the State Bankers Association: "Every one admits the law is incomplete, but it is most certain that no other legislation passed in Mississippi for many years has cleared away quite as much fog as the new banking law. In some respects this measure is more drastic and far reaching than that governing the National Banks, and we frequently find a hesitancy on the part of business men to serve as directors on account of its rigid requirements. Not a bad feature to be sure * * * ."[79]

The personnel of the Board of Bank Examiners is entirely satisfactory to all concerned: the banks, the bank commissioners, the legislature, and the depositors. The elective system, so strongly opposed by many bankers when the law was before the legislature,[80] has justified itself by its results so far; the civil service feature of the elective plan with the other restrictions placed by law upon would-be candidates for Bank Examiner, in the opinion of most of those most directly interested, will assure in the future a well-qualified personnel for the Board of Bank Examiners.[81]

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[78] Memphis Commercial Appeal, May 4, 1915.

[79] Journal of Miss. Bank Association, May 1917, p. 25.

[80] When the measure was before the legislature some bankers proposed that the State Bank Assoc. name a number of bankers from which the Bank Commissioners would appoint three Examiners.

It was claimed by the advocates of the new banking law that it would bring about greater confidence in the state banks and deposits would be greatly increased. In the report of the Bank Examiners January 1, 1918, it is stated that "as time goes on greater confidence is felt in our State Banks and their management and supervision, which is better indicated by the splendid increase in deposits during the past three years. In December, 1915, there were 281 State Banks doing business in Mississippi with a total deposit of $54,936,519.54. In December, 1917, there were 285 State Banks in Mississippi with a total deposit of $107,375,767.68.[82] This wonderful increase in deposits can be attributed largely to the new Banking Law and the increased confidence of the people in the banks and bankers throughout the State of Mississippi, which has induced money to come from its hiding and be placed on deposit in our State Banks, thereby furnishing resources which are being used in building up and developing these particular communities." Notwithstanding the fact that the prosperous conditions generally in the state accounts for a part of the 1917 increase in deposits, the renewed confidence of depositors resulting from the new law has unquestionably had much to do with this increase in deposits. According to a statement made February 21, 1919, by J. S. Love, Chairman of the State Board of Bank Examiners, the total of all deposits in state banks of Mississippi at that time aggregated $130,907,490.04, as compared with $108,907,490.04 on December 31, 1917—an increase of $13,203,953.98 for the year. This increase takes on added interest considering the heavy calls made on state banks and their depositors by the government during the year 1918. Mr. Love said "it was especially interesting to note the marked increase of deposits in state banks in Mississippi since the banking law has been in operation. The total deposits of the state banks of Mississippi on June 30, 1914, was $48,470,352.05. They are now (February, 1919) $130,907,490.04, showing a remarkable increase of $74,437,137.99 in four and one-half years, which is more than a 350 per cent gain during that time."[83] This increase, in the opinion of Mr. Love, could be attributed "to a great extent to the improved business conditions generally throughout the state and also to the increased confidence of the public in state banks and to the successful operation of bank supervision and the guaranty of deposits."[84]

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[81] At present, E. F. Anderson, First District; J. S. Love (Chairman), Second District; S. S. Harris, Third District; H. Knox Waller, Assistant Examiner.

[82] The discrepancy between the amounts here and as given in the table, supra, p. 163, is explained by the different in dates. The figures in the table are of June; the deposits in December, after the sale of the year's farm products, would naturally be greater.

The board of three bank examiners, with their assistants, have given their undivided attention to the duties placed by law upon the Banking Department. "In accordance with the law, every bank in the State of Mississippi has been examined twice each year by some one of the Examiners, a change of Examiners being made each time. Besides this the banks have been required to make a detailed statement to the Banking Dpartment, under oath of their officers, at least five times each year as to their condition. These reports have been scrutinized by the Secretary as well as the Examiners, and the banks have been required to comply fully with all demands of the law. Also a detailed report of the earnings and dividends, as well as an expense account, is required to be made by each bank to this Department under oath of its officers."[85]

The constructive work of the Banking Department since the new law went into effect has been one of the best features of the new system. The work of the Bank Examiners Board does not cease when they have enforced the provisions of the banking law. A great many valuable suggestions are made by the Board and are readily adopted by the banks, thereby improving their conditions, making them better banks, and in a great many instances helping to develop the communities.[86]

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[83] Memphis Commercial Appeal, Feby. 21, 1919.
[84] Ibid.
[85] Biennial Report, Banking Department, Jan. 1, 1918, p. 4.
[86] Ibid., p. 5.

The Bank Examiners in their 1918 report to the legislature asked that a law be passed giving the Banking Department final power to accept or reject, or discretionary power of approval of the establishment of new banks in Mississippi. The legislature failed to comply with this request, the law as passed requiring only that "every banking corporation, before it transacts any banking business, shall file with the board of bank examiners, certified copy of its articles of incorporation."[87] So banking corporations may still be formed under the general laws of the state, and the central administrative agency, viz., the Bank Examiners Board, does not have discretionary power of approval of the establishment of the new banking institutions. Although this discretionary power would place in the hands of the three bank examiners the authority to prohibit what might seem a plain right of people to enter a legitimate business, by the national banking laws such power is vested in an administrative agency, when it comes to the establishment of a new national bank. This would unquestionably be a valuable supplement to the law as it now stands; for the Bank Examiners explain that "oftentimes parties undertake to organize a bank in a community other than for business reasons, and in a community where there is not sufficient business to support two banking institutions, or even one bank, which really means a losing proposition for both banks, and in time proves a loss to the depositors or to the Guaranty Fund."[88]

Another suggestion closely connected with the one just discussed, and one which has very evident merits, is that the Bank Examiners Board be given legal authority to liquidate one bank through another, or bring about a merger, where the facts in the case warrant such action. The Board says: "In our work we find it necessary at times, where there were two banks in a community, to liquidate one bank through the other, which really can be called a merger, but for the good of the community and the depositors, as well as the stockholders, it was necessary to close out one of the banks in this way."[89] The legislature also failed to act upon this request. These two prophylactic measures would serve greatly to strengthen the hands of the bank examiners in their administration of the banking law, and judging by the favorable consideration with which most of the recommendations of the Banking Department have been received by the legislature it may be safe to predict that these appeals from the administrative offices of the Banking Department will be met by proper legislative enactment.

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[87] Sec. 28, Ch. 165, Laws of 1918.
[88] Biennial Report, Banking Department, Jan. 1, 1918, p. 5.
[89] Biennial Report, Banking Department, Jan. 1, 1918, p. 6.

A frequent argument against the banking law of 1914 was that it would cause many banks to convert into national banks in order to evade the strict requirements of the state law. But according to the records, those who offered arguments in refutation of this contention have had their conclusions justified by the results of the operation of the law for the first four years; for while there have been five state banks[90] to convert into national banks since the guaranty law went into effect, there have been seven national banks[91] to surrender their charter and become state banks. It is submitted that this is some evidence of the success of the new system.

With real authority placed in the hands of the three Bank Examiners, one of whom is chairman with clearly defined powers, the administration of the banking business of the State of Mississippi has taken on a definiteness absolutely indispensable to efficient management. The new system established by the Banking Law of 1914 has justified itself in the opinion of the overwhelming majority of those most directly concerned; it has been upheld by the highest court of the State;[92] and the success which has been attained during the first few years bids fair to continue.

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[90] All of these made the change in 1915, the year the guaranty feature of the 1914 act went into operation. They are, Bank of Aberdeen, Bank of Biloxi, Columbus Insurance and Banking Company, Bank of Itta Bena, and Bank of Rosedale.

[91] First National Bank, Collins; First National Bank, Columbia; First National Bank, Philadelphia; First National Bank, New Albany; Progressive National Bank, Summit; First National Bank, Holly Springs; First National Bank, Ecru.

[92] Bank of Oxford vs Love, 111 Miss. Reports, p. 669. The decision of the State Supreme Court was upheld by the U. S. Supreme Court, Nov. 10, 1919.

CHAPTER IV.
TAXATION

The history of fiscal legislation and development in Mississippi may be said to fall within six separate periods. The boundary dates, as will be noted, represent reasonably distinct phases of the political and economic history of the state. The first five of these periods have been given by a leading authority[1] as follows:

(1) Territorial (1798-1817); (2) Transitional (1817-1861); (3) Confederate and Post-Confederate Governments (1861-1867); (4) Reconstruction (1867-1876); (5) Modern (1876-1898). In this discussion the first four periods will be discussed as given; the fifth period will be made to comprise the years 1876 to 1890; the sixth period will comprise the years 1890 to 1919, as this will permit in the discussion of the sixth period an examination of the fiscal development from the time of the framing of the present constitution of the state. It is more germane to the purpose of this study to trace the fiscal development under the present constitution of the state; for the brief discussion of the antecedent periods, from the year 1798, frequent reference will be made to the authoritative discussion of this subject by Dr. Charles Hillman Brough.[2]

Fifteen years after the independence of the thirteen colonies in America was recognized, Congress passed an act a part of which read as follows: "All that country bounded on the west by the Mississippi river; on the north by a line to be drawn due east from the mouth of the Yazoo river to the Chattahoochie river; on the east by the river Chattahoochie; and on the south by the thirty-first degree of north latitude, shall be, and hereby is constituted one district, to be called the Mississippi Territory"[3] More than half of this territory later became embraced in the state of Alabama; the portion that remains in Mississippi constitutes something like one-third of the area of the state. "Very little of the boundary of the original territory remains intact, and in so far as Mississippi is concerned all that remains of this original boundary is that around its southwest corner, extending from Pearl River along the thirty-first degree of north latitude to the Mississippi river and up that stream to the mouth of the Yazoo river."[4]

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[1] Charles Hillman Brough, Ph.D., Johns Hopkins.

[2] History of Taxation in Miss., Pub. Miss. Hist. Society, Vol. II, pp. 113-124. Dr. Brough is at present (1919) governor of Arkansas.

[3] Act of Congress, April 7, 1798. See (1) preamble const. 1817, Fed. and State Consts., Part II, second ed., B. P. Poore, p. 1054, for boundaries of state when admitted to the Union; (2) Code 1906, Sec. 403, for present boundaries of state.

For the time being, however, the territory embraced in the Mississippi Territory was to be administered as a territorial government. Major Winthrop Sargent, a native of Massachusetts, was appointed governor; he with three territorial judges was charged with the duty of framing a code of laws for the territory, to be drawn from the statutes of the several states. The code, known as "Sargent's Code," which was drawn up by the governor and three judges has been referred to as "directly at variance with all statute law in America, and utterly repugnant to any known system of jurisprudence derived from the common law of England."[5] Dr. Brough cites with approval this characterization of "Sargent's Code" in so far as it pertains to the "manner in which Money shall be Raised and Levied to defray the charges which may arise within the Several Counties."[6]

It is interesting to note the main facts concerning this first piece of fiscal legislation in Mississippi:[7]

> According to its provisions, the court of general quarter session in each county was authorized to make an estimate of the county's average annual expenditure, the estimate to be submitted to the governor and one or more of the territorial judges for approval. The amount approved was then apportioned among the several towns within the county by commissioners biennially appointed by the court of common pleas. If the town numbered sixty or more free citizens, two commissioners were appointed; if one hundred or more, three commissioners. These commissioners received the returns of taxables in each town-

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[4] J. M. White, Territorial Growth of Miss., Pub. Miss. Hist. Soc., Vol. II, p. 125.

[5] Lowrey and McCardle, Hist. Miss., p. 71; Brough, Pub. Miss. Hist. Society, Vol. II, p. 113.

[6] Brough, Pub. Miss. Hist. Soc., Vol. II, p. 113.

[7] These facts are taken from History of Taxation in Miss., C. H. Brough, Pub. Miss. Hist. Soc., Vol. II, pp. 113-116.

ship, and assessed the property therein. It was specified that the commissioners should ascertain "the names of all free men, inmates, hired male servants (being twenty-one years of age) and whether profitable or chargeable to the employers" * * * * and obtain "a list of all lands not being the property of the United States or appropriated to public uses, the tenements, houses, cabins or other buildings wherein people dwell and which are rented and afford an income to the owners, and all ferries, stores, shops, warehouses, mills, gins, keel or bateaux, boats of the burthen of twenty barrels and upward producing a yearly income, and of the bound male servants and male slaves above the age of sixteen and not exceeding fifty; draught oxen, saddle and draught horses, cows penned or kept up and immediately productive to the owners; together with the stock of cattle, including sheep and swine intended for market and thereby productive of annual income and profit."

Lands were assessed "in just proportion to their value," with special regard to their annual profit, and no one having visible property less than one hundred dollars could be assessed "more than one dollar per head annually, save by a due proportion of labor in the opening and keeping in repair highways and public roads."

Commenting upon these facts, Dr. Brough says: ''This enumeration revived in the light of modern interpretation, virtually means a graduated income tax applied to town and county government. The valuation of real estate was determined, not by the annual income (profit) which, on the average, it was deemed likely to produce. Taxation was altogether local, there being no territorial levy as distinguished from the biennial county and township levies. This localization of fiscal activity, an income (profit) valuation, and the fact that visible specific property bore all, or nearly all the burden of taxation, are thus the most striking characteristics of Mississippi's primitive scheme of taxation.''[8]

One feature of this early scheme of taxation has been retained in spite of all subsequent changes, that is, the sheriff was ex-officio the county collector, as he is today. The sheriff as tax collector, had powers of imprisonment and distrain. He was allowed 1 per cent of the total collections as compensation for his work, which amount he was authorized to deduct before turning over the funds to the county treasurer. The commissioners appointed by the County Court as assessors were allowed $1 per day.

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[8] History of Taxation in Miss., Pub. Miss. Hist. Soc., Vol. II, pp. 115-116.

This fiscal system was not substantially changed until 1815 when a law was passed "providing for a distinct territorial tax and specifying that county taxes should be levied upon the same property and objects enumerated as were within the territorial schedule."[9] County taxes could not exceed one-half of the territorial taxes. This law established the first commonwealth taxation, as distinguished from purely local taxation. To quote from Dr. Brough:

> This territorial schedule comprised a general list of ratable objects with fixed valuations. Land was divided into six classes, each class having three qualities. The bases of classification were proximity to the city of Natchez and distance from the Mississippi, Chickasawhay and Tombigbee Rivers. Thus, class number one contained all lands lying within eight miles of the city of Natchez, the first quality of which was rated at $12 per acre; the second, at $8; and the third, at $3. Class number two contained all lands lying within fourteen miles of the Mississippi River, with valuations according to quality ranging from $2 to $7. In short, valuations decreased in proportion as the distance from commercial centres and water courses increased. Lands, lots and buildings within any city, borough or town were subject to a uniform ad valorem tax of 2 mills; and merchandise and bank stock, to an ad valorem tax of 2½ cents respectively were levied on each slave and free white male above the age of twenty-one. Slave traders were taxed $5.00 on each slave imported into the Territory, a tax containing the germs of the privilege license system. The schedule was further strengthened by a tax of $1.25 on every pleasurable carriage.

By the law of 1815 a change of an administrative nature was made, for "it was provided that the assessing and collecting officers were to be appointed by the Governor, rather than by the county court, as heretofore; a change probably due to the differentiation between commonwealth and county taxation."[10]

During the second period in the history of fiscal legislation and development in Mississippi, i. e., 1817 to 1861, the tax system of the state underwent many changes. "The increased expense of the state administration, an accumulation of state indebtedness, minuter differentiation in industry, giving rise to more numerous classes of wealth and progress in democratic thought; all demanded an extension of the State's fiscal system.''[11]

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[9] Brough, Hist. of Taxation in Miss., Pub. Miss. Hist. Soc. Vol. II, p. 115; Digest of Statutes of Miss. Territory, 1816, pp. 415-424, cited for provisions.

[10] Brough, Hist. of Taxation in Miss., Pub. Miss. Hist. Soc. Vol. II, p. 116.

It will suffice here to call attention briefly to the most significant changes of the 1817-1861 period, which were as follows: (1) Personal property became as important an object of taxation as real property;[12] (2) The taxation of personal property, usually rated, was supplemented by the privilege license system, with charges partly rated and partly apportioned;[13] (3) The poll tax was widened in its application so as to include free negroes as well as free white male citizens between the ages of twenty-one and fifty years;[14] (4) Land classifications were abolished, and annual income was rejected as a device of valuation,[15] for which was substituted (5) Assessments according to intrinsic value, to be determined by the owner or person in charge on oath, taking into consideration improvements, proximity to navigation, towns, cities, villages or roads, and any other circumstance that may tend to enhance the value;[16] (6) County police boards were authorized to ''order a certain (variable) rate per centum on the amount of the assessment of State tax,'' and ''to levy a special tax for the erection or repair of the court house, jail or other county buildings''[17]—thus changing the rule, in vogue under the territorial regime, under which the county tax could never exceed half the territorial tax; (7) Radical change in the machinery of assessment and collection, substituting for the method used during the territorial period whereby assessing and collecting officers were appointed by the County Courts or by the Territorial Governor, the method of election, whereby these officers were chosen directly by the people who were directly responsible for their conduct.[18] The county sheriff remained ex-officio the county tax collector; the assessor was a separate officer with distinct functions; both were elected biennially, and the compensation of each was fixed at 5 per cent on the amount of state tax assessed and collected but the assessor's remuneration should not exceed the maximum of $500 per annum and the collector's the sum of $3000.[19] In the subsequent discussion of the fiscal system of the state in modern times the similarity to the fiscal machinery of the antebellum period will be in many instances quite patent.

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[11] Ibid., p. 116.

[12] Ibid., p. 116, citing Revised Code of Miss., 1857, pp. 72-73.

[13] Brough, p. 116.

[14] Brough, p. 117.

[15] Ibid., citing Hutchinson's Code of Miss., (1798-1848) pp. 188 and 202.

[16] Brough, p. 117.

[17] Ibid., citing Miss. Rev. Code, 1857, pp. 417-418.

[18] Ibid., citing Miss. Revised Code, 1857, pp. 70-72.

The period 1861-1867 naturally was a time of emergency revenue. An "Ordinance to Raise Means for the Defense of the State" was passed as a supplement to the Ordinance of Secession passed by the Constitutional Convention of Mississippi in 1861 whereby the state renounced her allegiance to the Union. Under this first war revenue act of the state each taxpayer was required to pay an additional Special Tax of 50 per cent on the regular state tax and also every inhabitant was required to pay 3-10 per cent "upon all money owned or controlled by such inhabitant—the money so collected to constitute a Military Fund."[20] In 1863 a special tax known as the Military Relief Tax, of 50 per cent on the regular state tax was levied "for the relief of destitute families of Confederate soldiers." In addition to this tax and for the same purpose there was levied a direct tax in kind on certain articles of food and clothing.[21] By permissive laws passed February and March 1865, " for the benefit of the County Indigent Fund, the Boards of Police of the several counties were empowered to levy a tax in kind of ½ per cent on all corn, wheat and bacon grown and produced in the state."[22]

Not only were special taxes levied during the war period, but it became necessary to provide for an increase in the number and rates of specific objects taxed.[23]

Speaking of methods used to meet the critical fiscal problems of the State of Mississippi upon the downfall of the Confederacy in 1865, Dr. Brough says:

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[19] Brough, pp. 117-118.
[20] Ibid., p. 118.
[21] Ibid., p. 119, for a list of these articles.
[22] Brough, p. 119.
[23] Ibid., pp. 119-120, for details.

> The Constitutional Convention of 1865 and the State Legislatures of 1865, 1866 and 1867 acted in a sensible and heroic way in dealing with the situation. A direct tax of $1 per bale was levied on all cotton brought to market and sold; an inheritance tax of 1 per cent of the gross amounts of all collateral inheritances; a tax of 3-10 per cent upon the amounts of the annual rents and tenements. Privilege licenses were exacted from the larger corporations best able to bear them, a notable instance of this being the license of $2000 per annum imposed upon express companies (Miss. Laws, 1866-67, pp. 412-414). This selection of taxable objects proved most fortunate, the cotton tax alone yielding sufficient revenue to support the whole state administration. The commonwealth's indebtedness was sealed, and Mississippi was rising Phoenix-like from the ashes of financial despondency.

The Reconstruction period 1867-1876 in fiscal history, as in practically every other way so far as government machinery was concerned, was characterized by inefficiency, extravagance, and dishonesty. Beginning with the meeting of the "Black and Tan Convention"—so called from the negroes and carpet-baggers composing it—taxes were increased to the point of absolute confiscation Nothing was left untaxed, and tax rates were universally exorbitant. Dr. Brough says of this period:[24]

> In 1869 the State levy was only 1 mill on the dollar; in 1870, 5 mills; in 1871, 4 mills; in 1872, 8½ mills; and in 1873, 12½ mills. This was only the State Tax. In many counties a county tax of 100 per cent on the State Tax was added, besides a Special Tax in some counties to pay the interest on the bonded debt, and a Special Tax in the incorporated towns of from 5 to 10 mills on the dollar for town purposes. In this way it happened that the total tax paid by citizens was 2 8-10 per cent outside the cities, and from 3½ to 4 per cent in cities and towns.

The taxpayers convention which met in Jackson on January 4, 1875, was the result of exorbitant taxes which were levied following the election and inauguration of Adelbert Ames as governor in 1874. The taxpayers convention made an appeal to the legislature for relief, but "the legislature treated the petition with contempt, an action which resulted in the organization of taxpayers' leagues over the state and the speedy overthrow of the carpet-bag government."[25]

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[24] Brough, p. 121.

[25] Ibid., p. 122. See also School Hist. of Miss., F. L. Riley, pp. 316-317.

During the last six years of the Reconstruction period those in power spent on account of the expenses of State government an average of $1,484,699.55 per annum.[26] As an example of the inefficiency and maladministration which characterized the acts of the Reconstruction officers, Dr. Brough has the following to say:[27]

> They collected nearly a million dollars of what is now known as the common school fund, and spent it all in riotous governmental living, save the pittance of $57,000 in U. S. bonds left in the treasury to the credit of that fund.
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> This money was not spent on the common schools, the purpose for which it was collected, but was misappropriated and unaccounted for, and a debt against the state on account of that fund, was left January 1, 1876, amounting to $830,378.18. This, too, in spite of the fact that the average rates of state and county taxation during the six years in question were 8.87½ mills and 12.49 2-3 mills respectively, making a combined average of $21.37½ on the thousand.

After the elections of 1875 in Mississippi there was promise of better things in public administration. The division of fiscal history into the fourth period comprising the years 1876 to 1890 is somewhat artificial; yet it is justified inasmuch as the former date marked the beginning of fiscal reform, and in the latter year a new constitution was adopted. The Reconstruction regime left the state facing serious indebtedness. During the years immediately following 1876 substantial progress was made along educational and other governmental lines. In spite of the debt and the expenditures necessitated by the establishment and improvement of educational and eleemosynary institutions, the period from 1876 to 1890 was "characterized by a decrease in both state and county tax rates and by a proportionate reduction in state indebtedness, both in amount and interest charge."[28] What happened during the first year after the state government was delivered from the Reconstruction regime is characteristic of the period 1876 to 1890. Of this first year Dr. Brough says:[29]

> The first year of this period, i. e., 1876, gave earnest of fiscal reform. State taxes were reduced from 9½ mills on the dollar to 2½ mills. The taxing power of county boards of supervisors was

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[26] Ibid., p. 122.
[27] Ibid., pp. 122-123.
[28] Brough, p. 123.
[29] Ibid., p. 123.

restricted, a law being passed which prohibited them from levying taxes for county purposes, which added to the state tax, would exceed 16½ mills on the dollar, except for indispensable purposes. Supernumerary officials were dismissed, the common school system improved, sinecures abolished and salaries reduced. The highest rate of compensation was no longer paid for the lowest standard of qualification.

During the period of 1890 to 1919 substantial progress has been made toward providing better administrative machinery for handling the problem of taxation in Mississippi. To say that the state has not settled upon any system of taxation that is entirely satisfactory would be to cite a commonplace truth applicable, to greater or less extent, to any state in the Union. Referring to the problem as "stupendous in magnitude and critical in importance," the Joint Committee of the Senate and House of Representatives appointed at the session of 1916, to consider Mississippi's revenue system and general fiscal affairs, indicated something as to the present condition when it said: "Mississippi's antiquated revenue system must be reformed so as to establish an adequate system for raising the state's income, as well as a logical and economical method of disbursing public funds."[30]

Nearly three decades have passed since the adoption of the present constitution of Mississippi. Under this constitution and the laws passed pursuant thereto tremendous progress has been made in the various activities of the state. Prior to 1890 the public school system of the state has been established, but its growth has been considerably retarded; four of the five state-supported higher educational institutions had been established,[31] but they had not reached proportions commensurate with the needs; a Confederate pension fund has been provided, but necessity demanded its increase. Since 1890 expansion has been rapid. Increase in population[32] has been both a cause and a result of the quickened economic life of the state. Industries have been expanded and diversified. A natural concomitant of this general expansion has been an increased need for money to enable the state to foster and encourage progress along every legitimate line.

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[30] Report to 1918 session legislature, p. 9.

[31] See part III, Ch. on Public Education, supra.

[32] 1890 to 1900, increase 261,670, 20.3 per cent; 1900 to 1910, increase 245,844, or 15.8 per cent. See Abstract Thirteenth Census U. S., p. 23.

This increased need for money on the part of the state has made more complicated the whole problem of public finances. As long as a comparatively small amount was needed for meetting the needs of the state it was a reasonably easy matter to secure the amount through the various sub-divisions of the state; but when the needs of the state became greater individuals and sub-divisions of the state began to look askance at the amounts demanded of them for maintaining the state government. This practice of individuals and local communities toward personal and local contributions to the state, in the opinion of some "stands at the bottom of ninety per cent of our problems of public finance, and renders dismally difficult the efforts of every state in the Union to harmonize its system of taxation with the increased burdens which it is called upon to bear."[33]

In attempting to solve her fiscal problem Mississippi is not confronted with many of the obstacles prevalent in some other states in the Union. The state is essentially agricultural. There is no mining industry of any description. There are no great cities, and therefore no conflict between urban and rural classes. The economic problems of every section of the state are, in a large sense, the same.

It is the opinion of those who have studied the fiscal problems of Mississippi that the state is not a victim of extravagance and mismanagement. It is true that deficits have occurred nearly every year for the past fourteen or fifteen years;[34] but this, it seems certain, is because of a low per capita revenue, rather than from a high per capita expense. In 1915 there were only nineteen states in the Union whose revenue exceeded their expenditures.[35] The total per capita governmental cost for Mississippi for that year was only $2.70, the sixth lowest in the United States; there were then only six states with a lower per capita property tax contribution to state revenue than that of Mississippi.[36]

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[33] See Miss. Banker, Vol. 3, No. 11, May 1917, p. 49, article by Hon. Alfred H. Stone, The State's Finances.

[34] Joint Rept. Senate and House Committees, Miss. Legislature, 1918, on State's Revenue System and Fiscal Affairs, p. 10.

The financial condition of Mississippi in 1916 was as follows: Payable bonded debt of the state, $3,802,899; total non-payable debt (for trust funds), $2,354,607.74; grand total debt of the state, $6,157,506.74.[37]

What is needed to solve the fiscal problems of the state of Mississippi is the development of better administrative machinery for raising and disbursing revenue. The problem of taxation is ''not only that of producing sufficient revenue, but of producing it equitably—not only as between counties and clssses of property, but fundamentally also between individual properties and individual property-owners,'' to quote Mr. Alfred H. Stone, a student of Mississippi's fiscal problems.[38]

The most striking characteristic of the administration of public finance matters in the State of Mississippi until 1916 was almost entire lack of central control; decentralization was everywhere in evidence. Referring to the situation prior to the passage of the equilization act by the legislature of 1916, Mr. Stone said: ''The power of the state to raise revenue from taxes under our present system * * * * was circumscribed to such limits that it amounted to only the right to fix a levy for state purposes. The right to say what such levy should effect, to have any voice in the matter of fixing the values of the property on which the levy was laid, was denied the state. This power of absolute local control of assessment goes to the foundation of local government, but when abused it also saps the foundations of the whole state taxation system, which is in turn the cornerstone of the state's fiscal affairs.''[39]

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[35] See A. H. Stone, article p. 48, Miss. Banker, Vol. 3, No. 11.

[36] Ibid.

[37] Biennial Rept. Auditor Pub. Accounts., Miss., 1915-1917, p. 165.

[38] A. H. Stone, Vol. 3, No. 11, The Miss. Banker, p. 51.

An examination of the fiscal problem of the state, especially the administrative machinery of this important branch of public adminstration, prior to 1916 reveals some interesting facts, not the least of which is that in Mississippi, as in many other states, raising sufficient revenue to meet necessary expenses has too frequently been viewed as the whole of the fiscal problem. Certainly this constitutes only one phase of the fiscal problem. An equally important phase of the problem is to see that, as nearly as possible, this revenue is ''raised in a manner which will not be oppressive of any person or corporation, at the same time letting no property escape its just share of the burden.''[40] Much depends upon the administrative machinery created; for unless methods be devised for carrying out the foregoing phase of the fiscal problem ''with the greatest measure of simplicity and execution''[41] the means will most certainly defeat the ends sought.

According to the conclusion reached by the Joint Committee of the Senate and House appointed by the legislature in 1916 to consider the State's revenue system and fiscal affairs, the fiscal system as it existed before the legislation of 1916, was defective in four general respects: First, it furnished an inadequate state income upon a millage rate that should have been sufficient; second, the system of taxation was not equitable; third, it resulted in burdensome taxes; fourth, it encouraged tax-dodging, inefficiency and extravagance.

The system furnished an inadequate state income upon a millage rate that should have been sufficient, in the opinian of the legislative committee, not so much because of waste and extravagance, though these to some extent contributed thereto, as because of two other factors, namely, (1) the increase in population and the natural, progressive broadening of governmental activities which have greatly augmented the expense of operating the state government, and (2) a reduction in some sources of state revenue, despite the fact that the past few years have shown great development in the material prosperity of the people of the state. To show something as to the nature of the reduction in sources of state revenue the committee said:

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[39] The State's Finances, Alfred H. Stone, The Miss. Banker, Vol. 3, No. 11, May, 1917, pp. 49-50.

[40] Ibid., p. 45.

[41] Ibid.

> For example, there was a reduction of $20,781,737.00 in the total assessed valuation in 1915 from what it was in 1914. In 1915 there were 127,242 more acres of land in cultivation, as appears from the assessment rolls, than in 1913, and yet the assessed valuation of the cultivated lands in 1915, with this increased acreage, was $1,512,225.00 less than in 1913. And there was a decrease of $5,000,000.00 less in the valuation of wild lands also. These figures are significantly suggestive.

To show that the system was not equitable the committee cited glaring variations in land values in the various counties of the state. Some of the greatest inequalities existed between values in adjoining counties.[42] These variations, said the committee, were due to the fact that the land values were fixed by eighty[43] different Boards of Supervisors, each having supreme control over the assessment rolls of its particular county. The result was as stated by the committee that "valuations were reduced, local levies increased and the state deprived of its legitimate and necessary income."[44] The report says further:[45]

> The tax-payer was supposed to list his property at its actual value, as specified by the State Constitution, and not purposely reduce his assessment because his neighbors had reduced theirs.. Yet many citizens who are the soul of honor in their general dealings with their fellowman, felt that they were compelled to do that very thing. Because his neighbors never listed their property at its actual value, the levies were two or three times higher than they would be if the law were complied with, and therefore each tax-payer felt that he could ill afford to be an exception by listing his property at full value.

High levies followed the wholesale practice of undervaluation of lands. Intangibles went into hiding, and "the net result of the situation * * * * is that the man with his property in sight is bearing the burdens of government.''[46]

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[42] Land in Jones County paid to the state a tax of 5 cents per acre; in Jasper County, which is adjacent, the same character of land paid 2.7 cents per acre. Harrison County paid 21.9 cents per acre; Jackson County, adjacent and of the same character of land, paid 2.7 cents per acre. Lee County paid 4.1 cents per acre; Monroe, adjacent, paid 2.4 cents per acre. Covington County paid 4.9 cents per acre, while Franklin County paid 1.9 cents per acre. See Joint Rept. Comm. Senate and House, 1918, p. 11.

[43] Eighty-two in 1919.

[44] Rpt. Joint Comm. Senate and House, 1918, p. 11.

[45] Ibid.

Section 20, Article XII, of the Constitution of 1869 provided: ''Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained as directed by law.'' Section 112, Article 4, of the Constitution of 1890 enlarges somewhat upon the constitutional provisions of 1869, when it provides:

> Taxation shall be uniform and equal throughout the State. Property shall be taxed in proportion to its value. The legislature may, however, impose a tax per capita upon such domestic animals as from their nature and habits are destructive of other property. Property shall be assessed for taxes under general laws, and by uniform rules according to its true value. But the legislature may provide for a special mode of valuation and assessment for railroads, and railroad and other corporate property, or for particular species of property belonging to persons, corporations or associations not situated wholly in one county. But all such property shall be assessed at its true value, and no county shall be denied the right to levy county and special taxes upon such assessment as in other cases of property situated and assessed in the county.

Under this provision of the Constitution the general property tax is the chief source of revenue in Mississippi. All classes of property are taxed at the same general rate, whether income earning property or not. Attention will be given to this phase of the problem presently;[47] suffice it to say that this is a serious objection to the present fiscal system of the state. Another charge against the system to show that it is not equitable is that under it double taxation has been conspicuously present.

The third charge against the fiscal system as it existed in 1916 was that it resulted in burdensome taxes, not because of the state taxation or legislative appropriation, which at that time was only six mills, but on account of local taxes. To substantiate this charge the report of the legislative committee said:

> The greater weight of taxation orignates with counties, municipalities and other local units, where profiligate waste and reckless extravagance in the past have evidenced the incomptency of many officials. Numbers of these local units are in a wretched condition of financial distress, and, in face of high tax levies, their paper often suffers a discount—in many instances as great as 33 1-3 per cent. Of course, recent years have seen large expenditures in Mississippi for

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[46] Ibid., p. 13.

[47] Infra., p. 213ff.

good roads and more commodious school buildings, and these, though the best sort of investments, have added their weight to the burden. We should also bear in mind that much of the taxation of these local units is the result of bond issues and special levies, which were made at the instance of petitions signed by a majority of the qualified electors or which were approved by the voters at the polls. But we find this burden piling up. For if a county's paper is worth only two-thirds of its face value, of course, the county pays that much more for what it obtains. Outstanding warrants result in a discount, and a discount, by reducing the purchasing power of the warrant, in turn results in the increase of outstanding warrants, and so the cycle is run.

When the source of tax burdens is sought, we should remember that from 1897 to 1899 inclusive, the state tax was 6½ mills, with the local tax ranging from 6 to 10 mills; while today the state tax is 4 mills, with the local rates running from 30 to 50 mills in many sections.

Tax-dodging, inefficiency and extravagance constituted the fourth charge against the fiscal system of the state. This was the natural result of the lack of a well organized administrative plan. The method of selecting officials to manage the fiscal affairs of local taxing units, without requirement of special business qualifications; the lack of interest taken in public affairs by the conservative and substantial citizen; the fact that the state has no budget system, no uniform system of book-keeping and accounting, and no business-like system of purchasing state supplies; the practice of anticipating the income, rather than working on a cash basis; slipshod, haphazard methods of borrowing money and managing the state fiscal affairs in general[48] —all these resulted in tax dodging, inefficiency and extravagance.

The modus operandi of the fiscal officers prior to the creation of the State Tax Commission in 1916 may be summed up briefly: Assessment of personal property was made annually between the first day of February and the first Monday in June;[49] assessment of land was made every two years between the first of February and the first day of July;[50] money subject to taxation, either on deposit or loaned out at interest, in or out of the state, was assessed and taxed in the county where the owner lived;[51] every able-bodied male inhabitant of the state over twenty-one and under sixty years of age was assessed a poll tax of two dollars annually.[52]

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[48] Joint. Rept. House and Senate Comm., 1918, pp. 16-17. See pp. 52-56 of this report for recommendations concerning budget system, general purchasing board, and general auditing system.

[49] Code 1906, Ch. 122, Sec. 4263.

[50] Ibid., Sec. 4280.

In theory, the mode of assessment is simple. The law requires that the county assessor or his deputy call on each person liable to taxation and furnish him with the proper blank form for list of his taxable property.[53] The property owner fills in his taxable property with the value of each article, the accuracy of which he verifies by oath.[54] The law governing land assessments provides that the valuation shall be made on the judgment of the owner or person having charge of it.[55] To a much greater extent, therefore, than might be expected the owner of property is himself allowed a considerable share in making the assessment. To the extent to which he is willing to disregard the oath attached to the list on which he schedules his property, the property owner may undervalue his taxable holdings. The county board of supervisors, consisting of five property owners, one selected from each supervisor's district or beat in the county, constitutes the county board of equalization of assessments throughout the county. The county board of supervisors has the power of reviewing the original assesments made by the assessor, and may increase or diminish the valuation of any property.[56]

The State Railroad Commission, consisting of one commissioner elected from each of the three supreme court districts, assesses railroad property and that of other public service corporations.[57] These assessments are made annually. The law requires the corporations concerned to furnish to the railroad commission a complete schedule of all their property with the value thereof. The law specifies that the railroad commissioners must furnish annually to each county a schedule of the amount of property owned by the corporations therein, in order that the various counties, districts, and municipalities may collect taxes upon such property.[58] The commissioners are required to hold meetings annually to hear and determine objections to assessments made by them.[59]

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[51] Ibid., Sec. 4266.

[52] Const. 1890, Art. 12, Sec. 243; Code 1906, Ch. 122, Sec. 4252.

[53] Code 1906, Ch. 122, Sec. 4264.

[54] Ibid., Sec. 4271.

[55] Ibid., Sec. 4281.

[56] Ibid., Secs. 4268, 4276.

[57] Code 1906, Sec. 4382-4384.

The levy and the collection of the taxes come as soon as practicable after the assessments have been made. The state legislature fixes the rate of taxes for state purposes, although the important question of valuation was, prior to 1916, left entirely within the hands of the county assessors and the various county boards of supervisors. The county boards and municipal authorities make levies for local purposes. The constitution by prohibiting special legislation in the case of towns, cities and other municipal corporations when exercising the power of assessment, taxation, borrowing money, or contracting debts, attempts to prevent such corporations from abusing their powers of taxation.[60] The legislature, from time to time, passes acts which limit the freedom of county boards of supervisors in the amount of taxes they may levy.[61] The legislature of 1916 fixed the ad valorem tax for that and the next year at 6 mills on the dollar,[62] and authorized county boards of supervisors to "levy taxes for all purposes (exclusive of road, courthouse, county common schools and agricultural high school tax) which, added to the state tax, will make 16 mills on the dollar for the year 1916 and 16 mills on the dollar for the year 1917, and no more."[63] The legislature of 1918 fixed the ad valorem tax for 1918 and for 1919 at 5½ mills on the dollar. The county tax levy for all purposes (exclusive of all county or district road taxes, court house, tick eradication, county common school, agricultural high school and all other county or district school taxes) was fixed at a rate not exceeding 8 mills on the dollar for 1918 and the same for 1919, exclusive of the state levy of 5½ mills."[64]

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[58] Ibid., Sec. 4387.

[59] Ibid., Sec. 4388.

[60] Sec. 80.

[61] Biennial Laws fixing ad valorem tax.

[62] Laws 1916, Ch. 85, p. 73.

[63] Laws 1916, Ch. 85, p.73.

[64] Laws 1918, Ch. 105, H. B. No. 385, pp. 88-89.

The county sheriff is the county tax collector. When all levies have been made, the tax collector adds the county and district tax due from each person to the amount of state taxes due and collects the total amount. The poll tax of two dollars is due on or before the first day of February; after that time all who have not paid their poll tax have their names placed on the delinquent list. Under the constitution of the state,[65] no criminal proceedings may be brought for the collection of the poll tax; but no person is permitted to vote at any election who has not paid "on or before the first day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him * * * * for the two preceding years * * * * .[66] All taxes on real and personal property are due on or before the 15th day of December of each year, and unless paid by that time the tax collector is empowered to collect them by the sale of any personal property liable therefor. [67]

The tax levy for the year 1918, in Beat One, outside the Separate School District of Starkville, Oktibbeha County, was thirty and three-quarter mills. The tax of 30 3-4 mills was levied for the following purposes:

1.	State Tax	5½	mills
2	Int. and maturities road bonds	7	mills
3.	Maintenance rock roads	1	mill
4.	Loan warrant 1918 (a deficit due to expense of tick eradication)	6	mills
5.	Int. court house bonds	½	mill
6.	Public Schools	1	mill
7.	Agricultural High School	1	mill
8.	General road fund	2¾	mills
9.	Common county fund	6	mills

Though the levy varies widely in amount and nature in the several counties of the state, this is indicative of the situation in the average supervisor's district, of which in 1919 there were 410 in Mississippi.[68]

Thus it will be noted that the Mississippi taxpayer's chief burdens have been of local origin; that there has been no administrative agency to see that the burden of state taxation should be equally distributed among the eighty-two counties of the state; and that ostensibly serving as county boards of equalization, as between individual property owners within the county, the various boards of supervisors have allowed to go uncorrected many glaring inconsistencies.

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[65] Const., 1890, Art. 12, Sec. 243.

[66] Const. 1890, Art. 12, Sec. 241.

[67] Code 1906, Sec. 4315.

[68] Eighty-two counties, five supervisor's districts to the county.

The state legislature which met in 1916 sought in the passage of the Kyle Bill (Chapter 98 of the Laws of 1916) to remedy some of the evils of the fiscal system as it existed at that time.

Section 3 of the Act[69] authorizes the governor to appoint three State Tax Commissioners, one from each supreme court district. The Commissioners' term of office is made four years. No person is qualified to hold the office of Commissioner who is not a qualified elector and free holder in the state. The Tax Commissioner's salary is fixed by the law at $2,500 per annum; they are required to devote their entire time to the duties of the office.

The duties of the State Tax Commission as provided by the law creating the Board are:

> (1)[70] To investigate all matters of taxation and recommend to the legislature, through the auditor, at each biennial session, such changes and alterations in the tax laws of the state as in their judgment they may deem best to bring about a more perfect, equitable, adequate, just and thorough system of taxation and valuation of property for state and county taxation;
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> (2)[71] To carefully examine the assessment rolls of the several counties in this state filed in the office of the auditor, and to compare the said assessment rolls for the purpose of ascertaining whether the tax valuations of the various classes of property as made in the respective counties of the state is reasonably uniform as between the respective counties. It is the purpose and intent of this act to bring about an equalization throughout the state of the values of the various classes of property subject to be taxed, so that the value fixed in one county shall not be out of due proportion to the values fixed in other counties on the same classes of property. If it shall appear to the said board of state tax commissioners that in any one or more of the counties of this state the taxable values fixed upon any one or more classes of property are not uniform with the values fixed upon the same classes of property in other counties, the said board of state tax commissioners shall investigate and inquire as to the facts in regard there-

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[69] Laws 1916, Ch. 98.

[70] Laws 1916, Ch. 98, H. B. No. 395, Sec. 5, p. 98.

[71] Ibid.

> to, and after making such investigation and comparison, shall have authority to adjust and equalize the same either, and to that end may add a fixed per centum to the assessed valuation of any class of property in any county, if they find that the valuation was too low; provided, such raise shall not exceed the actual value of the property in any case, or by deducting a fixed per centum from the valuation, if they find that the valuation was too high, as may appear just and right between the counties; and the chairman of the said board of state tax commissioners shall thereupon notify by United States mail the president of the board of supervisors of the county affected that the county valuations upon the classes of property specified in the said notice shall be raised or lowered as found by the said board of state tax commissioners, and the auditor shall thereupon return to the said county its tax rolls for correction accordingly.

The Board of Supervisors are made responsible for the carrying out of orders for changes in the total county assessment made by the State Board of Tax Commissioners.[72] If, however, the Board of Supervisors be dissatisfied with the changes and corrections ordered to be made, the president of the Board of Supervisors may appoint not exceeding five witnesses to appear under oath before the board of Tax Commissioners, "and the board of state tax commissioners shall then revise their action, or not, as they may think just and proper."[73] The decision of the board of state tax commissioners then made is final, and the county board of supervisors is required immediately to revise and correct the county valuation.

Members of the State Board are required to visit the several counties annually. The law provides[74] that

> It shall be the duty of the board of state tax commissioners for one or more of its members to visit annually the several counties in the state for the purpose of familiarizing themselves with the character and values of the several classes of property therein, of investigating the work and methods adopted by the board of supervisors and county tax assessors, and to ascertain wherein existing laws are defective or improperly or negligently administered, and to report the results of their investigation and the facts ascertained to the governor, through the auditor, from time to time, when required by him.

The law also provides that it shall be the duty of the State Board of Tax Commissioners to investigate and ascertain what property is escaping taxation or assessment. It is made the duty of the State Board to report any such cases to the proper board or agency, and it is unlawful for such assessor, board, or agency to refuse to make assessments on such property.[75]

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[72] Ibid., Sec. 6.
[73] Laws 1916, Ch. 98, H. B. No. 395, Sec. 6.
[74] Ibid., Sec. 7.

No law perhaps has been passed by the state legislature in recent years over which there has been waged greater controversy than the law creating the State Board of Tax Commissioners.[76] It seems certain that by many persons the purpose of the law has been very much misunderstood. Regarding the creation of the State Tax Commission the joint report of the Senate and House Committees appointed by the 1916 legislature to consider the state's revenue system and fiscal affairs contained the following statement:[77]

> Facing a deliberate reduction by the counties of $20,000,000.00 in the assessments on which was based the state's most important source of revenue, confronting a condition which had grown from bad to worse until it imperatively demanded alleviation, and conscientiously striving to remedy the most glaring defect of the state's fiscal system, in 1916 the legislature created a State Board of Tax Commissioners. Both branches also adopted resolutions providing for recess revenue committees composed of members from their respective houses. There was no conflict or inconsistency in these actions.
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> The State Tax Commission was not created for the purpose of increasing the amount of taxes paid by those citizens who were bearing their proportionate share of the tax burdens, but rather to equalize

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[75] Ibid.

[76] The statute constituted the leading issue between two of the four candidates for governor in the 1919 primaries. One of the candidates, Lee M. Russell, favored the retention of the statute, while another, Oscar Johnson, although not objecting to the idea of a centralized commission or authority to regulate and equalize taxes, directed his criticism against the specific law of 1916. Mr. Johnson based his criticism upon the following grounds: (1) He contended that the members of the commission should be elected; (2) That the members of the commission should come from the different districts of the state; (3) That the commission should have the authority to enforce obedience to its orders through the courts, something, he contended, the present commission did not have; (4) That the commission should have power to deal with property inside the corporate limits of a city or town, because without such power, in ordering equalization the commission discriminates against property outside of the towns; this condition obtained on account of the fact that the commission is only authorized to "equalize as between counties;" (5) That the commission is without authority to deal with the capital stock of the ordinary business corporation; (6) that the commission is without power to discover and have assessed millions of dollars of property escaping taxation. See Memphis (Tenn.) Commercial Appeal, August 16, 1919.

[77] Joint Rpt., Senate and House Committee, to Legislature 1918, p. 17.

> assessment valuations as between counties, and thereby work equity. The effect of such action, of course, would be to eliminate the practice of reducing valuations and increasing levies adopted by county boards. With this practice abolished, the state's income would be, to some extent, protected. The greater valuations thus obtained do not forecast greater burdens for the tax-payer eventually, for, as the valuations go up, levies should come down. By far the major portion of the taxpayer's burden is purely local in character. If local levies are not sufficiently decreased, or if local expenditures are not properly curtailed, the fault lies solely with local taxing officials, and the remedy remains exclusively in local hands.

Concerning this same subject, the State Tax Commission itself on January 25, 1918, said:[78]

> The legislature did not create the State Tax Commission for the purpose of equalizing individual assessments, but for the purpose of equalizing assessments of one county as a whole compared to the others. The purpose of the law has not been understood. There are just as great inequalities, possibly, in individual assessments now as were heretofore, but such is no more the fault now of the Tax Commission than formerly, because the duty of equalizing individual assessments is that of the Boards of Supervisors, and not that of the Tax Commission.
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> Previous to 1916, the assessments of properties was fixed by eighty Boards of Supervisors. The Constitution required that each Board fix the assessments of properties, at the full value thereof. Had all Boards of Supervisors fixed assessments at full value, no inequality would have existed between the several counties of the state, but this was not done; on the contrary, each Board of Supervisors fixed the total assessment as a rule so that, with the highest county tax rate (authorized by law) and lowest valuation, only a sufficiency of county revenue would be collected. Thus, it will be seen, there were eighty different standards of assessment in Mississippi. The State Tax Commission was, therefore, created, to adjust these inequalities between assessments of the several counties of the state, so that each would pay its portion of the expense of the State government.

Under these circumstances the fiscal problems of the state in its last analysis practically rested in the hands of County Boards of Supervisors, who by exercising this right to permit minimum valuations to be placed upon taxable property in the county and upon these valuations to place the maximum county tax rate authorized by law could deprive the state government of its chief source of revenue. This is manifestly true in view of the fact that the general tax on real and personal property yields by far the larger portion of the state's income. In this connection the Joint Legislative Committee pointed out that a hundred per cent valuation is highly desirable for the reasons that (1) the Constitution requires it;[79] (2) full valuation renders undervaluation more conspicuous and inequalities more glaring; (3) it means lower tax rates, and remedies the evil of having high tax levies drive certain classes of property from the assessment rolls, and thereby place an inequitable burden on other classes. It was pointed out in this connection, too, that "high tax levies, although they may result from undervaluation, discourage investments," and that "new capital invested in the state will reduce the amount of taxes collected on property already here."[80] The fourth reason given why a hundred per cent valuation is highly desirable was that "it will not increase the burden of the honest taxpayer, but, by the means already noted, and by the further fact that it will catch the taxpayer who is dodging by undervaluation, it will certainly work a reduction, secure equality and eventually assure an adequate income to the state."[81]

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[78] Report of the State Tax Commission on Assessments for the Tax Year 1917, pp. 3-4.

Inasmuch as such great responsibility rests in the hands of the county fiscal authorities who are responsible for assessments it is well to give attention briefly to the assessor's office and to the office of county supervisor.

The constitution of 1890[82] provides that each county of the state shall have a tax assessor to be selected as provided by statute law and whose term is four years. Until the first Monday in January, 1920, when the statute passed by the 1916 legislature placing all county officials on a salary basis[83] becomes operative, the compensation of assessors was based upon the following provision of the 1906 Code:

> Each assessor shall be entitled to receive from the state treasurer as a compensation for his services five per cent of the amount of state tax contained in his assessment, payable when a duly certified copy of his assessment roll or rolls, properly made, shall be deposited in the auditor's office and approved by him, but such compensation shall not be less than five hundred dollars for each of said rolls (the land and personal rolls to be counted (two rolls), nor more than fifteen hundred

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[79] Const. 1890, Art. 4, Sec. 112.

[80] Joint Rpt. Senate and House to Legislature 1918, p. 18.

[81] Joint Rpt., Senate and House to Legislature 1918, p. 18.

[82] Art. V, Sec. 135; See Const. 1869, Art. V, Sec. 21.

[83] Laws 1916, Ch. 102, S. B. No. 279.

dollars in payment of both rolls in any one year, and the board of supervisors of any county shall, in addition, allow the assessor not exceeding ten cents for each individual assessed on the personal roll, although only assessed for poll-tax payable out of the county treasury; but no commission or other allowance shall be paid by the state for assessing poll-taxes; and for enumeration of the educable children of the county he shall be allowed two cents for each child enumerated, payable out of the school fund of the county.

Although the law seemed, according to the section of the code just quoted, to make it obligatory upon the county boards of supervisors to allow the additional compensation of ten cents for each individual assessed on the personal roll, by judicial decision it was declared that "the additional compensation not exceeding ten cents for each individual assessed on the personal property roll may or may not be allowed, within the discretion of the board of supervisors."[84]

By the law effective on and after the first Monday in January, 1920, the annual salaries of the eighty-two county tax assessors will be $2500 in the counties of class one; $2000 in the counties of class two; $1750 in the counties of class three; $1500 in the counties of class four; and $1250 in the counties of class five. The total assessed valuation of real and personal property and the property of public service corporations in the county is the basis of the classification for the purpose of determining the salary of county officers. Where this total valuation is equal to or exceeds ten million dollars the county is placed in class one; from seven million to ten million dollars, class two; from five million to seven million dollars, class three; from three million to five million dollars, class four; and less than three million dollars, class five.[85]

The importance of the office of county tax assessor has been very much underestimated by the average citizen and tax-payer. In the opinion of the Joint Legislative Committee which reported to the 1918 legislature concerning the revenue system and fiscal affairs of the State, "the assessor is pre-eminently the most important fiscal officer of the county and state."[86] Placing at the head of the suggestions for remedial legislation those which relate to the duties, functions, qualifications, responsibilities and compensation of the assessing office, the committee said further regarding this office that "it is a conservative statement to say that if the problems relating to the discharge of the duties of this office could be so worked out as to assure a proper initial assessing of property, there would be but little left of the general problem of taxation."[87]

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[84] Williams v. Sharkey County, 74 Miss., 122 (20 So., 860). See also Bogan v. Holder, 76 Miss., 597 (24 So., 695).

[85] Laws 1916, Ch. 102, S. B. No. 279, Sec. 1, pp. 110-112.

[86] Report to the legislature 1918, p. 19.

The chief reasons why the work of the assessing office has not been done more thoroughly and efficiently in the past seem to be because (1) no definite qualifications as to fitness are required of those who seek the office of assessor; (2) inadequate compensation has resulted in many incompetent men seeking and obtaining the office; (3) inconsistency of the requirements of the constitution and those of legislative acts regarding the duties of assessors in fixing values has caused them to pass this duty on to the Board of Supervisors; (4) the lack of political and official immunity has influenced, to considerable degree, the actions of some assessors; (5) where a competent man does fill the place, "immemorial usage, traditional local custom and the exigencies of personal considerations too often combine to render impossible of success his honest endeavor to secure the assessment which his oath of office requires him to make."[88]

Under the present constitution[89] and laws of the state[90] there are no requirements as to fitness for candidates for assessor; it is merely required that he be elected by the tax-payers of the county. The State Tax Commission gives an estimate of the qualifications which the assessor should possess. The report of the Tax Commission says:[91]

> He should be an accurate clerical man. He should have a thorough knowledge of his duties and the laws governing them. To have

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[87] Ibid.

[88] For interesting discussions of condition and needs of the assessing office in the state, see (1) Rpt. Joint Com. Senate and House on St. Revenue and Fiscal Affairs, 1918, pp. 19-21; (2) Rpt. of the State Tax Commission on Assessments for 1917 made to State Legislature 1918, pp. 16-17.

[89] Const., 1890, Secs. 135, 136, 138.

[90] Code 1906, Sec. 4140.

[91] Report to Legislature 1918, p. 16.

all these qualifications, he must have had some educational advantages. In addition to all these qualifications, he should have a knowledge of the value of everything in his county. He should know the values of lands, live stock, merchandise, buildings and machinery.

To remove the office entirely from local control and vest in some centralized body the duty of selecting and power of removing the county assessor would be one, and no doubt an altogether too radical, way of remedying the situation. A better way, which has been suggested,[92] would be to require all candidates for the office of assessor to prove their fitness by passing a practical, non-technical examination conducted by the proper centralized body, preferably the State Tax Commission. This method has been practiced for some years in connection with the office of county superintendent of education.[93] It is also practised with a high degree of success in the selection of the three state bank examiners.[94]

The question of inadequate compensation is intimately connected with the problem of prescribing qualifications for the assessors. As has been noted[95] after January 1920, the salaries of the assessors will range from $2500 to $1250. Considering the importance of the office manifestly this range of salaries is too low. It has been suggested[96] that the compensation of assessors be made the same as that of the sheriff and tax collector, under the 1916 statute. If this were done the assessors would receive, according to the total assessed valuation of real, personal and public service corporations property in the various counties, from $3500 to $2500.[97]

The constitution[98] requires that there shall be an assessor for each county; although not definitely stated in the constitution, by the meaning of the word and judicial interpretation[99] the chief duty of this officer is that of fixing a valuation on property for taxation. Nevertheless according to provision of the Code the assessor is forbidden the right to list property on the rolls at valuations made by him; it merely requires that the assessor report under-valuations to the Board of Supervisors. Section 4268 Code of 1906 is as follows:

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[92] By the Joint Com. of State Legislature, Rpt. 1918, pp. 19-20.

[93] Code of 1906, Sec. 4811, See Ch. II, supra.

[94] Laws 1914, Ch. 124, S. B. No. 48, Sec. 5. See Ch. III, supra.

[95] Supra., p. 207.

[96] By the Joint Com. of Legislature, Rpt. 1918, p. 21.

[97] Laws 1916, Ch. 102, S. B. No. 279, Sec. 1, pp. 110-112.

[98] Const. 1890, Sec. 135.

> It shall be the duty of each person fixing the value of his property to estimate the same at its cash value at the time of valuation, and not what it might sell for at a forced sale, but what he would be willing and would expect to accept for it if he were to dispose or sell it; and it shall be the duty of the assessor to report, on oath, to the board of supervisors, at the first meeting of the board after completing his roll, or so soon thereafter as possible, a list of all valuations made by owners of property which are in his opinion below the actual cash value of the property, with the names of the parties making the valuations; and it shall be the duty of the board to examine the list, and, upon discovery of undervaluation of any property, the board shall increase the valuation as it may deem just and proper; and in case that it shall deem that the undervaluation was made wilfully, to escape the taxation to which the property undervalued is justly liable, to report the facts of each case, with the names of the person or persons by whom made, to the grand jury of the next circuit court of the county.

Section 4276 of the 1906 Code declares:[100]

> If the assessor think that any person has not given in a correct statement of his credits or choses in action, or any other property, he shall report the same to the board of supervisors, with the grounds of his belief, and the board may require such person to produce before it his books or other evidence, and, after full investigation, the board may cause a proper assessment to be made of the choses in action or credits or other property of such person.

Basing their failure to do so on the provisions in the law, the assessors too frequently do not attempt to fix values; the property owner fixes his own valuation, and unless, as is seldom done, the valuation is changed by the Board of Supervisors the property owners' conscience is the only safe-guard against wholesale undervaluations. The State Tax Commission recommended to the legislature that the sections of the Code which permit this practice, contrary to the constitution it seems, ''should be so changed that it would be the assessor's duty to place a valuation on each assessment, and so list it on the roll in order that the honest tax-payer may have the proper protection against the tax-dodger.''[101]

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[99] A statute (laws 1888, p 24) dividing the counties into classes and the lands therein into sub-classes, fixing, according to quality, a maximum and minimum value for taxation on the lands in the several classes, and confining the assessor to the limits so fixed, violated Art. 5, Sec. 21, constitution 1869, providing for an assessor for each county, and Art. 12, Sec. 20, same, requiring property to be taxed according to value, Hawkins v. Mangum, 78 Miss., 97 (28 So., 872).

[100] See also Sections 4265, 4266, 4267, Code.

It was stated that the lack of official and political immunity has influenced to considerable degree, the actions of some assessors.[102] The assessor is usually in the role of a candidate for office practically all the time; this fact has its weight in the official actions of the average assessor. It seems reasonable that examinations to test the fitness of candidates and more substantial compensation would help to remedy this situation.

The last handicap of the assessing office was said to be the result of usage, local customs and ''the exigencies of personal consideration.''[103] It goes without saying that these factors do enter the problem, with no small degree of harmful influence. The practice of the assessor in merely copying from year to year a considerable portion of the assessment roll, without consideration of changes of value, say for example, in the case of land recently cleared and put in cultvation, is but one instance of the harm that results from the assessor's proclivities to follow usage and local custom.

In exercising equalizing and general supervisory powers over assesments within the various counties the Board of Supervisors are as important fiscal agents as the assessors. Section 170 of the state constitution which establishes the office of county supervisor reads as follows:[104]

> Each county shall be divided into five districts. A resident freeholder of each district shall be selected, in the manner prescribed by law, and the five so chosen shall constitute the board of supervisors of the county, a majority of whom may transact business. The board of supervisors shall have full jurisdiction over roads, ferries, bridges, to be exercised in accordance with such regulations as the legislature

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[101] Rpt. State Tax Commission to legislature 1918, p. 17.

[102] Supra., p. 208.

[103] Supra., p. 208.

[104] Const. 1890, Sec. 291; See Const. 1832, Art. IV, Sec. 120 and second amendment; Const. 1869, Art. IV, Sec. 20.

> may prescribe, and perform such other duties as may be required by law. The clerk of the chancery court of each county shall be clerk of the board of supervisors.

In regulating the eligibility of members of boards of supervisors the law requires that no person shall be a member of the board of supervisors "who is not a resident free holder in the district for which he is chosen, and the owner of real estate of the value of three hundred dollars."[105]

The board of supervisors is given, among other important fiscal powers, the power "to levy such taxes as may be necessary to meet the demands of their respective counties, upon such persons and property as are subject to state taxes for the time being not exceeding the limit that may be prescribed by law."[106] The board of supervisors may levy various special taxes as provided by law.[107] But from the point of view of taxation in exercising the equalizing and general supervisory powers over assessments the work of the board of supervisors is extremely important. The law requires that this be done by the board of supervisors.[108]

The total number of members of the boards of supervisors of the eighty-two counties of the state is 410. Of this number of elected officials, with the only restriction being "resident freeholder in the district for which he is chosen and the owner of real estate of the value of three hundred dollars," quite naturally many of those elected are incompetent to fulfill the duties of the office. The Report of the Joint Legislative Committee on fiscal affairs made to the 1918 legislature said regarding the personnel of board of supervisors:[109]

> Acting in conjunction with assessors, the county boards of supervisors are called upon to discharge the bravest obligation which may devolve upon any public official, that of safeguarding the raising and disbursing of the public revenue. Yet so lightly does the sense of such responsibiltiy rest upon the voting conscience of the community, that idlers, misfits, incompetents, business failures and professional politicians are frequently placed in an office the duties of which demand an exceptionally high order of executive and administrative judg-

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[105] Code 1906, Sec. 292.

[106] Code 1906, Sec. 307; See Laws 1896, Ch. 132.

[107] See Sections 331, 368, 375, 388, 396, 397.

[108] Code 1906, Sections 4296, 4299, 4312.

[109] Rept. Joint Comm. House and Senate, 1918, p. 28.

> ment and ability * * * * There have been and are now county boards composed in whole or in part of excellent and capable men. But the general average of the state has been and is now distressingly low, and the counties as a whole are suffering in consequence of the fact.

The 1918 report of the State Tax Commission, however, places the greater part of its criticism upon methods, as practiced under the law and through custom, rather than upon the qualifications of the average member of the boards of supervisors.[110]

The matter of raising the standard of the personnel will perhaps have to come through an awakening of the general public and the voter to the importance of the office of supervisor. Many suggestions have been made as to how the work of the boards of supervisors as at present constituted might be made more effective. One is that the president of the board of supervisors be paid a monthly salary, instead of a small per diem as at present, and that he therefore be required to give more of his time to the important work of the board of supervisors than heretofore has been done.[111] Another suggestion is that for the duty of equalizing individual taxes there be established County Equalization Boards. This suggestion is found in the report made in 1918 to the legislature by the State Tax Commission, which was as follows:[112]

> If the legislature wishes to enact a law which will adjust inequalities of individual assessments, such provision should be made as will take the matter as far as possible out of local politics, and provide for County Equalizers, who have the educational qualifications and honesty of purpose to do what is fair and just by all concerned, without fear or favor A law providing for the appointment of two County Equalizers by the State Tax Commission, and providing that the county assessor be ex-officio member of the County Equalization Board and Chairman of the same, will create the proper system of County Equalization.

As has been noted,[113] Mississippi has the general property-tax. The constitution requires that taxation shall be "uniform and equal throughout the state;" that "property shall be taxed in proportion to its value;" and that " property shall be assessed for taxes under general laws, and by uniform rules, according to its true value."[114] The result of the general property tax in Mississippi, according to the Joint Committee of the Senate and House as shown in the report[115] made to the legislature in 1918, have been (1) that deficits have occurred during the past twenty years; (2) that it has produced inequality in valuations; (3) that wholesale and universal evasion and tax-dodging have resulted; and (4) that "the proposition that all property, regardless of its kind or class should be taxed equally and uniformly * * * * is utterly unenforceable."

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[110] Pp. 6, 7, 8.
[111] Rpt. Joint Comm. House and Senate, 1918, p. 29.
[112] Page 6.
[113] Supra., p. 197ff.

Besides quoting facts and figures from the experience in Mississippi to substantiate these charges against the general property tax, the Joint Committee quotes from the Supreme Court of the United States,[116] from the 1908 report of the Louisiana Tax Commission, and from Professors Edwin R. A. Seligman and Richard T. Ely concerning the deficiencies of the general property tax.[117] The recommendation of the committee to the legislature was that the general property tax be abolished, and that the classified property tax be adopted.[118]

The 1918 session of the legislature by concurrent resolution referred the question of adopting the classified property tax to the voters. Accordingly at the November election in 1918, the proposition was submitted to decide whether Section 112 of the constitution should be amended to read as follows:[119]

> Section 112. The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only, but property shall never be assessed for taxes for more than its true value. The legislature shall have power to divide property into classes for the purpose of taxation. The legislature may impose a per capita tax upon such domestic animals as from their nature and habits are destructive of property. All exemptions shall be by general law. The legislature may provide for a special mode of assessment for rail-

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[114] Const., 1890, Art. 4, Sec. 112; see Const. 1869, Art. XII, Sec. 20.

[115] Pp. 33-37.

[116] Pacific Express v. Seibert, 142, U. S. 351; p. 37, of the Report.

[117] Report of the Commission, 1918, p. 38.

[118] Ibid., pp. 37-40.

[119] Laws 1918, Ch. 188, pp. 209-210, Senate Concurrent Resolution No. 19.

roads, and other public service corporations, or other corporate property, or for particular species of property belonging to persons, corporations or associations.

By a substantial majority the amendment was rejected at the polls.

In order that corporations might be taxed in proportion to their earnings, and that the taxes on corporations be such that money invested in them should not pay a higher rate of taxation than money invested in similar enterprises, it was recommended by the Joint Committee that the question of eliminating from the constitution Section 181 be submitted to the voters at the November 1918 election. The legislature failed to provide for submitting this question to the voters.

Several other important fiscal measures were passed by the 1918 session of the legislature. Acts bearing directly upon the work of the State Tax Commission were as follows:

(1) An act (a) providing that at the expiration of the term of office of the present encumbents their successors shall be appointed, one for two years, one for four years, and one for six years. The term of office remains, as provided by the original act, four years;[120] (b) empowerng the state board to employ expert accountants;[121] (c) providing two clerks;[123] requiring the State Tax Commission to accumulate a library on revenue laws, fiscal matters and taxation, to be preserved in their office and turned over to their successors;[123] (d) providing for the publication and free distribution to all revenue officers of the state all new revenue laws enacted;[124] (e) authorizing the state board to prepare and furnish forms for obtaining the information provided for by law concerning the amount of fire insurance carried on buildings and on personal property of every description, and forms for the listing of property of all kinds (except banks and insurance companies) for taxation;[125] (f) requiring that

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[120] Laws 1918, Cr. 228, Sec. 1, p. 287.

[121] Laws 1918, Ch. 228, Sec. 2, p. 288.

[122] Ibid., Sec. 3.

[123] Ibid., Sec. 4.

[124] Ibid., Sec. 5.

[125] Ibid., Sec. 6.

the State Tax Commission make biennial report to the legislature direct, and not through the auditor.[126]

(2) An act authorizing boards of supervisors of all counties to employ, in their discretion, timber estimators for assisting in assessing timber subject to taxation.[127]

(3) An act authorizing the attorney general of the state and the district attorneys to represent the tax commission.[128]

(4) An act providing more reasonable time in which reassessments of land may be made.[129]

(5) An act making the State Tax Commission assessors of railroads and other public service corporations, and providing for the filing of schedules.[130]

(6) An act authorizing the State Tax Commission to assess inheritance taxes.[131]

(7) Acts regulating matters pertaining to the form of tax lists, assessment rolls, and the like.[132]

It has not been the purpose of this chapter to discuss every phase of the fiscal problem of the state, but rather to examine, briefly, the way in which the system of taxation as it exists is administered. By and large, the ways in which revenue laws are administered is of greater importance than any other phase of the fiscal problem. It has been seen that decentralization characterized the fiscal administration of the state up to the passage of the law of 1916 creating a State Tax Commission, the purpose of which was to bring about a degree of central control in order that a more unified and a more equitable system of taxation might be brought about. The centralization of administration which would come as a result of the proper enforcement of the law creating the State Tax Commission, would it seems certain after some apparently necessary amendments to the law and after time is allowed for necessary readjustments, bring good results. The taxing system of the state is unquestionably in great need of revision. The plan as contained in the 1916 law creating the State Tax Commission has been very vigorously attacked.[133] Some form of centralized control over the eighty-two counties and the numerous other taxing units is manifestly necessary if improvement is to be made. If the plan under the 1916 law, with amendments from time to time as in the judgment of the legislature may seem necessary,[134] is not retained, then some other system embodying a reasonable amount of centralized administrative control must sooner or later be adopted.

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[126] Ibid., Sec. 9, See Sec. 9 regarding publicity of certain information.

[127] Laws 1918, Ch. 185, S. B. No. 485. See Laws 1910, H. B. No. 726, Ch. 268, Sec. 2.

[128] Laws 1918, Ch. 238, S. B. No. 440.

[129] Laws 1918, Ch. 136, S. B. No. 310.

[130] Laws 1918, Ch. 138, S. B. No. 477.

[131] Laws 1918, Ch. 109, H. B. No. 556, Sec. 3, p. 96.

[132] Laws 1918, Ch. 120, 134, 135, 207.

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[133] Supra., p. 204. The Washington County Board refused to carry the instructions as to the personal roll for 1916. This was the test case, and the supreme court of the state sustained the constitutionality of the law. See, State ex rel vs. Wheatley, 113 Miss., 555; 113 Miss., 595. See also, Case No. 20096 on the docket of the supreme court; Minute Book 20, minutes of the circuit court of Washington County; order entered at p. 93, minute book "U" of the minutes of the supreme court of Miss. See Memphis Commercial Appeal, July 13, 1919, for an article against the plan under the 1916 law; and the issue of July 29, 1919, for an article for the retention of the plan.

[134] Or by constitutional amendment if, as some contend, this should be necessary.

CHAPTER V

PUBLIC HEALTH

The health interests of the State did not constitute a definite phase of public administration in Mississippi until compratively recent years. With the increse of population the conservation of public health has become a bigger problem than when the state was more sparsely settled; and this is true in spite of the fact that the state still remains essentially rural; for although not subject to the many vexing problems of health and sanitation contingent upon the concentration of large masses of people within small areas, the rural community has nevertheless its own peculiar problems, to a great extent, a result of environment, just as is the case with the cities.

Local initiative and interest, for many years after the establishment of the state government entirely in control of matters of health, remain at the present time controlling elements in the administration of this important branch of the state government. Yet there has been a considerable degree of centralization.

The Revised Code of 1871 contained provisions concerning public health: (1) making it an offense punishable by fine and imprisonment for any person to wilfully and knowingly bring into the state smallpox, or any other contagious or infectious disease;[1] and making it an offense punishable by fine for any smallpox patient in the state to go among other people, until after having obtained a certificate of recovery from a physician;[2] (2) giving the coroner, at the written request of a majority of the jurors, whenever necessary in order to ascertain the cause of death, the right to "cause a physician to appear as a witness upon the taking of such inquest," and providing for remnueration for such professional services;[3] (3) denying the privilege of practising medicine to any person convicted of any felony, unless after full pardon for the same;"[4] (4) prescribing punishment by fine and imprisonment of any butcher or merchant convicted of selling unwholesome provisions.[5]

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[1] Section 2719.

[2] Section 2738.

[3] Section 253.

The first law passed by the legislature providing for the appointment of health officers was enacted by the legislature of 1876. The statute was entitled "An act more effectually to protect the health of the citizens of the State."[6] By the provisions of this act the Board of Supervisors of Jackson, Harrison and Hancock Counties—the counties bordering on the Gulf of Mexico were authorized and required to appoint a board of health, consisting of one lawyer, one merchant, and not over five physicians who should be "graduates of some medical college of good standing."[7] It was made the duty of these county boards to select a physician to act as quarantine physician and health officer at all ports of the state in these counties. The quarantine physician was required by law to establish a quarantine at such ports, "which quarantine shall commence on the first day of May, and continue until the 15th day of November, and for such further length of time as said board of health may deem requisite and necessary to prevent the introduction of contagious, infectious and other diseases among the citizens of the State."[8] In order to make the quarantine effective, the law made it the duty of the quarantine physician to inspect all vessels arriving, and to quarantine any vessel which shall have visited or departed from any port at which was prevailing any contagious, infectious or other disease likely to prove detrimental to the health of the State.[9]

The first definite step toward establishing a degree of centralized control in the administration of public health affairs of the state was taken by the legislature in 1877, when by an act approved February first there was created a State Board of

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[4] Section 2865.

[5] Sections 2703-2704.

[6] Laws 1876, Ch. LXXII, Secs. 1-13, pp. 87-90.

[7] Laws 1876, Ch. LXXII, Sec. 1.

[8] Ibid., Sec. 2.

[9] Ibid., Sec. 3.

Health "for the protection of life and health, and to prevent the spread of disease in the State of Mississippi."[10] Under the provisions of this act the governor was authorized to appoint twelve physicians upon the recommendation of the State Medical Association, two from each Congressional District, "who for the time being, shall be Sanitary Commissioners for the said district, and the said Sanitary Commissioners, together with their three other physicians to be selected and appointed by the Governor, who shall be Sanitary Commissioners for the State at large shall constitute a Board of Health."[11] The term of office was made for six years, a part of the board being renewed every two years. The chief duties of the Board of Health were, in addition to quarantine duties, those of collecting vital statistics and of advising public authorities in regard to sanitation of public institutions and buildings.[12] The law required the Board to make an annual report to the governor, who in turn was required to transmit the report to the legislature.[13]

The law creating the State Board of Health made no appropriation in aid of it. The success of the Board therefore depended upon the degree to which the personnel of the Board would give of their time to a "labor of professional pride and personal humanity."[14] The board was organized and began work, which at the beginning was almost entirely of an investigatory nature. In order to reach the various sections of the state, one member in each congressional district was called on to report the local needs.[15]

By an act passed by the legislature in 1878 the State Board of Health was reorganized. The most important feature of the plan of reorganization under this act was the provision made for auxiliary local boards in every county and main town.

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[10] Laws 1877, Ch. XL, pp. 60-64.

[11] Laws 1877, Ch. XL, Sec. 1.

[12] Ibid., Secs. 5, 6.

[13] Ibid., Sec. 8.

[14] For a list of the personnel of the first State Board of Health, see Ency. Miss., Vol. I, pp. 853-854, Rowland.

[15] See Ency. Miss., Vol. I, p. 854, Rowland.

The outbreak of smallpox in the southern part of the state in 1878 made it necessary for the newly organized Board to do active work immediately, especially in view of the fact that there was a yellow fever epidemic during the same year. Following the meeting of the board on April 3, 1878, an active compaign against this contagious disease was entered upon. One of the results of the work of the board during these epidemics was a recommendation for more efficient quarantine laws, and a memorial transmitted to congress asking that a national quarantine to supplement and strengthen the state quarantines be provided so that contagious diseases might be more effectively combatted.[16]

In 1879 the State Board of Health adopted the rules of local and general quarantine proposed by the national board of health. An epidemic of yellow fever during this year called for extra effort on the part of the board. Owing to the improved organization of the health forces of the state, this epidemic was kept under better control than had been possible during some of the previous experiences.[17]

By act of the legislature approved March 4, 1880, the laws of 1877 creating the State Board of Health, and the act of 1878 which amended the law of the previous year, were materially changed.[18] That part of the act of 1877 which provided that there should be a State Board of Health, consisting of two physicians from each congressional district selected by the governor on recommendation of the State Medical Association, and three physcians selected by the governor from the state at large, was not repealed. The supervisory power of the board was strengthened by provision in the 1880 law for an executive committee. The provision of the law was as follows:[19]

> The state board of health may elect or appoint an executive committee, to be composed of three of its members, with a chairman, to be designated by the board, from the members appointed on said com-

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[16] Ency. Miss. Vol. 1, p. 854, Rowland.

[17] Ibid., p. 855. See Miss. Ency. Vol. II, pp. 1013-1021 for historical sketch of yellow fever epidemics in Miss.

[18] Laws 1880, Ch. XXXII, pp. 160-169.

[19] Ibid., Sec. 3.

> mittee; and said executive committee shall have authority to execute any and all the powers herein vested in said board, whenever in cases of emergency in the opinion of said executive committee the public interests require such action.

Under the law of 1880 the board retained supervisory power over all acts of the executive committee.

Further centralized control was brought about by the 1880 statute when it was provided that a chief health officer should be appointed in each county by the governor on the nomination of the State Board of Health. The county health officer's term was made two years, and his salary was fixed by the county board of supervisors; but it was provided in the law that the salary of the county health officer should never exceed the salary of the superintendent of education of the same county. Interior counties ''remote from railways, navigable streams and sea coast, and having a sparse population,'' could be exempt from the part of the statute requiring a county health officer, if after applying through the board of supervisors to the State Board of Health it was deemed by the State Board prudent to grant such exemption.[20] The governor was given the power at any time, on the recommendation of the State Board of Health, to remove any county health officer and appoint a successor in the mode prescribed for the appointment of such officers.[21]

The duties of the State Board under the 1880 law were very much the same as under the law of 1877. The State Board was given some additional power, especially over local health boards, e. g., the State Board under the law of 1880 could require information from local boards, whereas formerly local boards had been free to report to the State Board at their option. County health officers were required to report to the State Health Board ''every matter involving the health of the county, to examine and report in regard to the ventilation of theatres, city halls and public buildings generally, in regard to preservation of human life in case of fire; to make report of matters needing attention in public schools for the preservation of the health of the pupils; to report in regard to any matter calculated to affect injuriously the public health, and to report generally in regard to the public health of his county.[22] The State Board of Health upon receiving report from county health authorities of any matter calculated to produce or spread any epidemic, endemic, or contagious disease was authorized to declare the same a nuisance, and through the district attorney to have the same abated as a nuisance.[23]

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[20] Laws 1880, Ch. XXXII, Sec. 12.
[21] Ibid., Sec. 13.

Prior to the passage of the law of 1880 the state health authorities had usually been handicapped on account of a lack of funds with which to prosecute necessary work. By Section 18 of the 1880 statute the sum of $25,000 was appropriated for the payment of all expenses connected with the carrying out of proper quarantine measures.

In response to constant demands from the State Board of Health and from the majority of practising physicians of the state, the legislature of 1882 passed an act to regulate the practice of medicine.[24] The State Board of Health was given authority to regulate the qualifications of candidates for license to practice, as well as power to revoke license for good cause. For the purpose of examining applicants for license to practice medicine, there was created for each congressional district of the state a Board of Censors composed of the two Sanitary Commissioners of the district. The State Board of Health was given the power of review over all acts of the boards of censors, where there occurred difference of opinion on the part of censors as to an applicant's qualifications, or where the applicant wished to take an appeal from the decision of a local board of censors.

Over two hundred pages of the Mississippi Departmental Reports for the biennial period 1882 and 1883 are devoted to the report of the State Board of Health and the various local boards of health.[25] Among the recommendations of needed legislation in this report prominent place is given to the need of teaching hygiene and the laws of health in the schools; to the necessity of prescribing qualifications for the practice of pharmacy; to the need of giving attention to drainage problems in order to reduce the prevalence of malaria in the state; and to the importance of a through system of registration of vital and mortuary statistics to be used as the basis of intelligent sanitary legislation. The report speaks of the general satisfaction over the passage by the previous legislature of a law to regulate the practice of medicine. In his concluding report to the governor, which was a part of the general report, Dr. J. M. Taylor, president of the State Board of Health, called attention to the pressing need of funds with which to carry on the work of the department. Dr. Taylor said, in part, in this connection:[26]

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[22] Laws 1880, Ch. XXXII, Sec. 8.
[23] Ibid., Sec. 9.
[24] Laws 1882, Ch. XIX, pp. 33-39.
[25] Miss. Dept. Reports, 1882-1883, St. Bd. Health, pp. 1-204.

> The law creating and establishing the State Board of Health is sufficiently comprehensive, and embraces almost everything that should be included in such laws. The board is clothed with all the authortiy that could be required for a most thorough sanitary administration of the state. All that remains is for the legislature to supply the necessary facilities and means to execute the provisions of the law.

For the next few years little change was made in the administrative organization of the public health forces of the state. But when the revised code of 1892 was adopted the chapter on Health and Quarantine contained important changes from the former organization.

Under the provisions of the new code the State Board of Health was created, to consist of twelve physicians of skill, to be appointed as follows: One from each congressional district by the governor, upon evidence of skill and fitness for the position as may be satisfactory to him, the remaining five to be appointed by the governor from the state at large, upon the recommendation of the State Medical Association. All appointments to the State Board of Health expired with the close of the term of the governor who made the appointments.[27]

Regarding the general duties of the board of health it was provided that:[28]

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[26] Miss. Dept. Reports, 1882-1883, St. Bd. Health, pp. XI-XII.
[27] Code 1892, Ch. 60, pp. 569-572, Sec. 2267.
[28] Ibid., Sec. 2271.

> It is the duty of the state board of health to supervise the health interests of the people; to investigate the causes and means of prevention of endemic and epidemic diseases, the sources of mortality and the effect of localities, habits, employments, and conditions upon the public health; to investigate the sanitary conditions of schools, prisons, public institutions, and all public buildings and places of public resort, and to recommend such measures of sanitation for them as it may deem advisable; to prescribe rules and regulations for the conduct of the county health-officers; to require of the county health officers, of municipal boards of health, of physicians, of the managers or keepers of schools, prisons, public institutions and buildings or places of public resort, such sanitary information as may be useful; to collect and preserve such information relating to diseases and deaths as may be useful in the discharge of its duties, and to advise the state and all local governments in all hygienic matters. The board shall cause a secretary to keep a complete record of all its transactions, and to preserve all books, papers, documents, reports, correspondence, and other matters appertaining to its business.

The State Board of Health was given power to abate as a nuisance anything which might prove detrimental to health conditions of any locality of the state. The district attorney was called upon to commence proceedngs by information at the request of the State Board of Health.[29] The control of epidemic through quarantine was a power and duty of the State Board of Health.[30]

The law required that each county, except interior counties desiring to be exempt from the requirement and excused by the State Board of Health, have a county health officer. All county health officers were appointed by the state board of health. It was provided, however, that the county health officer should be a resident physican of the county in which he was to serve.[31]

It was made the duty of the county health officer "to enforce the rules and regulations of the state board of health as to the health interests of his county; to examine, as far as practicable, into all cases of malarial, malignant, pestilential, infections, endemic, and epidemic diseases in his county, and the causes thereof; to investigate the sanitary condition of schools, prisons, market-houses, butcher stalls and all buildings and places of public resort and their surroundings, and, as far as practicable, of everything affecting the health of the people of his county or that is calculated to do so, and suggest to the proper parties suitable sanitary measures; to recommend to the governing authorities of the county, and of any city, town or village therein, such regulations as he may deem necessary to promote the health of the county, city, town, or village; to report his actions and all information and the result of all investigations made by him to the State Board of Health, and to do such other things as the State Board of Health may lawfully require of him.''[32]

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[29] Code 1892, Ch. 60, pp. 570-571, Sec. 2277.

[30] Ibid., Secs. 2278-2279.

[31] Ibid., Sec. 2275.

Besides the State Board of Health and the county boards of health any city, town, or village was authorized to pass sanitary laws, establish a board of health, and enforce the collection and registration of birth, health and mortuary statistics; but the rules and regulations made by municipal boards of health should always be ''subject to and not inconsistent with the rules and regulations of the state board of health touching the health interests of the county in which such city, town, or village is situated.''[33]

The compensation of members of the State Board of Health was a per diem of three dollars for each day actually spent in the discharge of duties; each member of the board was also paid the actual necessary expenses incurred in attending the meetings of the board.[34] The secretary of the state board was paid five hundred dollars a year, which amount was payable quarterly.[35] The county health officer received for his services ''reasonable compensation, the same to be a per diem, to be fixed by the board of supervisors of his county, and which shall be payable semi-annually, on an itemized account, out of the county treasury.''[36] By judicial decision, a board of supervisors could not fix, or reduce after being fixed, the salary of the county health officer so as virtually to abolish the office.[37]

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[32] Code 1892, Ch. 60, pp. 570-571, Sec. 2276.

[33] Code 1892, Ch. 60, pp. 570-571, Sec. 2281. Also see Sec. 2950.

[34] Ibid., Sec. 2282.

[35] Ibid., Sec. 2283.

[36] Ibid., Sec. 3285.

The penalty for the intentional violation by any person of any rule or regulation of the State Board of Health was a misdemeanor, punishable, on conviction, by a fine not exceeding fifty dollars, or imprisonment in the county jail not more than one month, or both.[38]

The legislature in 1904 passed an act to amend section 2267 of the code of 1892 in reference to the State Board of Health. The only effect, however, of this change was to make the total number of members of the board thirteen instead of twelve. When the code of 1892 was adopted there were seven congressional districts, and it was provided that there should be appointed one physician from each district and five from the state at large, making a total of twelve. The law of 1904 was enacted subsequent to the re-districting of the state creating the eighth congressional district. Under the provisions of this act the governor was to select one physician from each congressional district and five from the state at large, making a total of thirteen members.[39]

The only reference to public health in the constitution of the state is found in Section 86,[40] where it is provided that "it shall be the duty of the legislature to provide by law for the treatment and care of the insane; and the legislature may provide for the care of the indigent sick in the hospitals of the state."

The plan of organization for state, county, and municipal public health administration contained in the code of 1906 is substantially the same as that in the code of 1892.[41]

Associated with the State Board of Health in efforts to conserve the public health of the state are the State Board of Pharmacists Examiners, the State Board of Dental Examiners, the

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[37] DeSoto Co. v. Westbrook, 64 Miss., 312; Yandell v. Madison Co., 81 Miss., 288 (32 So. 918).

[38] Code 1892, Ch. 60, Sec. 2287.

[39] Laws 1902, Ch. 150, S. B. No. 171, p. 208. Redistricting followed 1910 census.

[40] Const. 1890, Art. 4. See Art. XII, Sec, 27.

[41] Code 1906, Ch. 64, pp. 751-757.

State Board of Nurses Examiners, the State Board of Embalming, the State Chemist, the State Factory Inspector, the State Livestock Sanitary Board, and the State Board of Veterinary Examiners.

The State Board of Pharmacists Examiners was created in 1906.[42] The board consists of five practicing pharmacists who are appointed by the governor. The term of office of all members of the board expires with that of the governor appointing them.[43] The only duty of this board is that of examining and passing upon the qualifications of candidates to practise pharmacy . A license to practice in the state is issued to those who qualify on the examination.[44]

The State Board of Dental Examiners was first provided for by the revised code of 1892. It was there provided that the board of dental examiners should consist of five practicing dentists appointed by the governor to serve during the governor's term of office.[45] By act of the legislature in 1904 the law was so amended that the board should consist of five members appointed by the governor who should be practicing dentists "who are graduates from a reputable dental college."[46] Other amendments of minor importance were made by the 1904 statute.[47]

The State Board of Nurses Examiners had its origin in an act passed by the legislature in 1914 entitled "An act to regulate the practice of professional nursing in the State of Mississippi, to create a board of nurses examiners, to require the examination and registration of those desiring to practice in this state as registered nurses, or license attendants and to provide for the punishment of offenders against this act.[48] The board consists of five members appointed by the governor four of whom must be graduate nurses and one of whom must be a physician.[49] In making appointments, however, the governor is

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[41] Laws 1896, p. 82.
[43] Code 1906, Ch. 109, Secs. 3667-3668.
[44] Ibid., Sec. 3671.
[45] Code 1892, Ch. 32, Sec. 1528.
[46] Laws 1904, Ch. 145, Sec. 1.
[47] Secs. 1531, 1532 and 1540, Code 1892, amended.
[48] Laws 1914, Ch. 129, H. B. No. 296, pp. 149-155.
[49] Ibid., Sec. 1.

restricted under the provisions of Section 2 of the act, which declares that "within thirty days after the passage of this act, the graduate nurses' association of Mississippi shall through its executive committee, submit to the governor a list containing the names of two physicians who must be regularly licensed and of good standing in their profession, together with the names of eight graduate nurses who shall have practiced not less than two years exclusive of training, and the governor shall appoint the members of the board from said list." Members of the board of nurses' examiners serve five years, except in case of the first board where one member was appointed to hold office for one year, one for two years, one for three years, one for four years, and one for five years.[50] As compensation the members of the board receive a per diem of five dollars for each day actually engaged in the performance of their duties. They are also allowed traveling and other necessary expenses incurred while on duty.[51] Certificates are issued by the board to those successfully passing the examination. The board is also given the power to revoke certificates for certain causes.[52]

The State Board of Embalming, created by act of the legislature in 1918, consists of seven members. The executive officer of the State Board of Health, and the director of the Bureau of Vital Statistics are ex-officio members of the board; the other five members of the board are appointed by the governor. The term of office for members of the board is four years, except for the members of the first board whose terms were made one for one year, one for two years, one for three years, and two for four years. The law requires that all members of the board of embalming shall be residents of the state of Mississippi, and that no person shall be appointed a member of the board who has not had at least five years experience in the practice of embalming and the care of and the disposition of dead human bodies. Members are eligible for reappointment. The governor may remove from office any member of the board for neglect of duty, incompetency or improper conduct.[53] The chief duties of the board of embalming are to prescribe a standard of efficiency as to the qualifications of those engaging in the practice of embalming in connection with the care and disposition of dead human bodies in the state; to license those who are qualified and who apply for permission to practice embalming; and to make rules and regulations concerning the practice of embalming.[54] For the violtion of any such rules and regulations the State Board of Health may revoke the license which has been granted by the board of embalming.

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[50] Laws 1914, Ch. 129, H. B. No. 296, Sec. 3.

[51] Ibid., Sec. 16.

[52] Ibid., Sec. 25.

Section 2245 of the revised code of 1906 provides that the professor of chemistry at the Agricultural and Mechanical College is State Chemist.[55] Under the provisions of the code of 1906 the State Chemist's duties were chiefly those pertaining to fertilizer analysis.[57] The legislature of 1910 enacted a statute which was entitled "An act prohibiting the manufacture, sale, offering for sale, or having in possession with intent to sell, adulterated, misbranded, insufficiently labelled or deleterious food and providing for the inspection and analysis of foods and the enforcement of the provisions of this act."[57] In this act it was provided:[58]

> That it shall be the duty of the State Chemist to fix and publish standards of purity for food products, which standards shall be those promulgated by the Secretary of Agriculture, the Secretary of the Treasury, and the Secretary of Commerce and Labor of the United States. When no standards have been promulgated as aforesaid, they shall be fixed by the State Chemist.

The State Chemist is charged with the enforcement of the law. It is required that under his supervision the inspection, collection, examination, and analysis of specimens of food shall be crried out to determine whether such articles are adulterated, misbranded or insufficiently labeled.[59] In order to properly carry on this work it is provided that such inspectors and chemists as are absolutely necessary shall be appointed by the President and Board of Trustees of the Agricultural and Mechanical College on recommendation of the State Chemist.[60] The District Attorney is required by law to co-operate with the State Chemist in enforcing the provisions of the statute.[61]

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[53] Laws 1918, Ch. 223, pp. 279-283.

[54] Ibid., Secs. 4, 5, 8.

[55] Code 1906, p. 695, See Laws 1882, p. 44; Laws 1888, p. 53; Code 1892, Ch. 48.

[56] Ibid.

[57] Laws 1910, Ch. 132, S. B. No. 108, pp. 119-123.

[58] Ibid., Sec. 6.

The legislature of 1912 passed an act to regulate the employment of children in mills, factories, canneries, and manufacturing establishments.[62] The enforcement of the terms of this statute were left to the county sheriff and the county health officer.[63] By act of the legislature in 1914 the office of State Factory Inspector was created.[64] This law provides that the State Board of Health shall appoint and may remove for cause a special inspector who shall have the title of factory inspector "and who shall be a person having competent knowledge of factories and capable of performing the duties" prescribed for the State Factory Inspector.[65] The statute provides that:[66]

> It shall be the duty of the factory inspector to inspect all factories and canneries where women and children are employed at least three times each year. Such inspector shall collect evidence of violations of the laws of the state relating to the employment of women and children, and furnish such information to the county or district attorney in the county in which said violation occurred. Such inspector shall report annually, under the direction of the secretary of the state board of health, the number of women and children employed in the different cotton and knitting mills and canneries in the state, and the number of violations found and disposition of each.

In conserving the health of the public it is necessary that supervision be exercised over the health conditions of certain animals. The State Livestock Sanitary Board was created by act of the legislature in 1908.[67] This board was established

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[59] Ibid., Sec. 7.
[60] Ibid.
[61] Ibid., Sec. 9.
[62] Laws 1912, Ch. 165, pp. 173-175.
[63] Laws 1912, Ch. 165, Secs. 4-5.
[64] Laws 1914, Ch. 163, S. B. No. 526, pp. 209-212.
[65] Ibid., Sec. 1.
[66] Ibid., Sec. 3.
[67] Laws 1908, Ch. 106, H. B. No. 218.

"to consist of the Commissioner of Agriculture and Commerce, who shall be ex-officio chairman of the same; the Professor of Animal Husbandry at the Agricultural and Mechanical College, who shall be State Veterinarian; and in addition to these, two other members who shall be appointed by the Governor as representatives of the live stock breeders of the state to serve for four years or until their successors have been duly appointed and qualified."[68] The board is given absolute power to deal with infectious diseases of animals and sufficient penalty is attached for the violation of the rules laid down by the board to secure compliance thereto.[69]

As indicated in the appropriation bills for the support of the State Livestock Sanitary Board, the activities of this board are chiefly "in the work of tick eradication, hog cholera, bovine tuberculosis, and other infectious and contagious and communicable diseases; supplying hog cholera serum to the people of Mississippi in accordance with the laws governing same and handling outbreaks of infectious and contagious diseases of live stock."[70] The amounts appropriated for this work since the establishment of the State Livestock Sanitary Board have been as follows: for 1908 and 1909 $2,500 a year;[71] for 1910 and 1911 a total of $40,000;[72] for 1912 and 1913 a total of $40,193.50,[73] with a proviso authorizing the governor if necessary in case of an outbreak of hog cholera to borrow an additional $10,000 for the use of the board; for 1914 and 1915 a total of $40,000;[74] for 1916 and 1917 a total of $35,000;[75] and for 1918 and 1919 a total of $50,000.[76]

The State Board of Veterinary Examiners was created by an act of the legislature approved March 28, 1914, to the practice of veterinary surgery, medicine and dentistry in the state.[77] The Board is composed of five members whose term of office is four years. The personnel of the board is renewed gradually, for the laws required that the first board be appointed two for two years, two for three years, and one for four years. The governor appoints two members of the Board and the State Veterinary Medical Association selects the other three. No one can serve as a member of the Board unless he is a licensed or graduate veterinarian.[78] The chief duty of the Board is to examine candidates for license to practice as veterinarians and to revoke any license upon evidence that "the same was procured by fraud, or that the holder of the license has been guilty of unprofessional or dishonorable conduct."[79]

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[68] Laws 1908, Ch. 106, H. B. No. 218, Sec. 1.

[69] Ibid., Secs. 3-4.

[70] See e. g., Laws 1918, Ch. 45, p. 52.

[71] Laws 1908, Ch. 41, p. 39.

[72] Laws 1910, Ch. 42, p. 37.

[73] Laws 1912, Ch. 33, p. 34, general appropriation; Ch. 76, p. 60, special appropriation to pay deficit for labor of inspectors.

[74] Laws 1914, Ch. 33, pp. 40-41.

[75] Laws 1916, Ch. 33, p. 38.

[76] Laws 1918, Ch. 45, pp. 51-52.

The State Board of Health is organized in separate divisions. Each division has a responsible head, upon whom is imposed the duty of directing the work of that division. The five dicisions of the Board are (1) Division of Administration, (2) Division of Rural Sanitation, (3) Division of Hygienic Laboratory, (4) Division of Vital Statistics, (5) Division of Municipal Sanitation.[80] A brief examination of the activities of each division will indicate something as to the increasing importance that is being attached to public health actvities as a part of the public administration in the state.

The work of the Division of Administration is carried on chiefly by the Executive Officer and the President of the Board. The activities of this division of the State Board of Health has for the past few years been given chiefly to a campaign to enlighten the people of the state upon matters of sanitation and the prevention of disease. The interest and assistance of the State Board of Education has been enlisted, and much good work has been done through the public schools. In the report of the State Board of Health for the biennial period 1915 to

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[77] Laws 1914, Ch. 130, H. B. No. 137, pp. 155-158.
[78] Ibid., Sec. 2.
[79] Ibid., Secs. 4-8.
[80] Biennial Report State Board of Health, 1915-1917, p. 11.

1917 something as to the nature of this work is indicated. In part the report says:[81]

> During the past five or six years practically every school has been visited and in many instances two or more addresses have been delivered by some representative of the Board of Health at each school. We have had the uniform interest and support of the teachers of the state in this educational work. Literature has been distributed to the schools from time to time. It is gratifying to state that the State Superintendent of Education has done everything possible to promote a wholesome cooperation between the public schools of the state and the State Board of Health. This means that during the coming years larger results will be achieved in getting the boys and girls of the State to understand and apply the principles of sanitation in every day life. Each summer the state and tri-county normals are visited, in the main, by a representative of the Board of Health and addresses are delivered on public health subjects to the teachers. During the past summer special attention has been given to the negro teachers. At the suggestion of Supt. Bond, a physical examination was made of the colored teachers assembled at the normals of the county health officers of the counties in which the normals were conducted. The purpose of this examination is to determine the health condition of the colored teachers of the State; and, in time, to work out a system of education on sanitation for negro schools upon the most efficient basis.

The campaign for better health conditions, upon invitation of the State Board of Health, has also been carried on in the colleges of the state. The newspapers of the state have been called upon and have responded generously in this work. Other state and local agencies have cooperated in the campaign. Besides public health addresses by representatives of the State Board of Health, the Board has carried on its educational campaign through means of monthly and special health bulletins, leaflets on health subjects, demonstrations, health exhibits, conferences and correspondence.[82]

The Division of Rural Sanitation constitutes one of the most important branches of the public health service in the state. Over 80 per cent of the people of the state are country-dwellers and the rural community has its own peculiar sanitation and health problems. The sparse settlement in the rural community means too frequently that every family, often every individual, comes to think that the problems of sanitation and health are individual problems. It is more difficult to organize rural communities than thickly settled communities. The work recently carried on by the Division of Rural Sanitation of the State Board of Health has been done in cooperation with the International Health Board, the Boards of Supervisors of the respective counties, and the entire personnel of the State Board of Health.

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[81] Ibid., pp. 11-12.

[82] Biennial Report State Board Health, 1915-1917, p. 12.

Intensive community health work has been done in six counties by these cooperating agencies. These counties are Prentiss, Forrest, Pearl River, Jones, Hancock, and Jackson.[83] The amount expended in carrying on this work has been appropriated by the state legislature to be used by the State Board of Health for this specifiic purpose,[84] by the Board of Supervisors of the counties where the work was conducted, and by the International Health Board, each of these organizations making one-third of the total appropriation. To be exepended for this purpose during the years 1916 and 1917 the state legislature appropriated a total of $10,000 and for the years 1918 and 1919 a total of $24,000.[85] Concerning the results obtained in this work the report of the State Board of Health for the biennium 1915-1917 says:[86]

> An intensive health campaign in a county consists of taking up a county by communities. A careful survey is made of each community. This includes the visiting of every home in the community and a record is made relative to sanitary conditions. Not only is each home visited, but the name of every individual is made a matter of record. This campaign consists in the education of the public on preventive medicine and special work is done on the eradication of the soil pollution diseases; that is, typhoid fever, tuberculosis, hookworm, diarrhoea, dysentery and cholera infantum. The water supply of the home is investigated and suggestions offered for making it safe. The families are also urged to screen their homes for protection against flies and mosquitoes. The food supply of the home is also discussed in the prevention of pellagra and special literature distributed.
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> One of the most important sanitary problems of every rural home in Mississippi is the proper disposition of human excreta. When-

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[83] Rept. State Board Health, biennial period 1915-1917, pp. 17 and 32.

[84] Laws 1916, Ch. 52, pp. 51-52, Sec. 1, $5000 appropriated for rural sanitation and pellagra work for 1916 and the same amount for 1917; Laws 1918, Ch. 49, p. 55, $12,000 appropriated for each of the years 1918 and 1919, provided three times this amount be secured from other sources.

[85] Ibid., see note 2 on preceding page.

[86] Rept. State Board Health, 1915-1917, pp. 16-17.

ever this intensive community health work is done remarkable results are achieved in getting the people to build sanitary privies. It is of interest to note that the work is accomplished with marked enthusiasm on the part of the laity. By means of educational propaganda they are made to see that the building and use of a sanitary privy by a family means the ultimate control of typhoid fever, hookworm disease and other bowel troubles.

The work of the Division of Hygienic Laboratory is conducted through the State Hygienic Laboratory. In cooperation with the medical profession of the state this division of the State Board of Health is rendering invaluable services to the people of the state. During the period 1915 to 1917 there were examined in the laboratory 29,150 specimens. To quote from the report for this period:[87]

> All specimens are examined free of cost to the people of Mississippi. Any specimen is examined in the laboratory which involves the public health. This includes microscopic examinations of specimens in the diagnosis of tuberculosis, diphtheria, typhoid, malaria, hookworm and other intestinal parasites, rabies, etc. In addition, hundreds of specimens of water and milk were examined, and also scores of examinations of a miscellaneous nature were made.

In addition to work of this nature, the laboratory furnishes free of cost to the people of the state thousands of treatments of antityphoid vaccine;[88] treats, free of charge, cases of hydrophobia;[89] and in other ways renders valuable service to the people of the state in maintaining better heath conditions. The laboratory is, from a purely financial point of view, of great value to the state.[90] For each of the years 1916 and 1917 the appropriation made by the legislature for the laboratory was $6,000.[91] This amount was, in the opinion of the laboratory officials, wholly inadequate for meeting the demands upon the laboratory by the people of the state.[92] The mount appropriated for each of the years 1918 and 1919 was increased to $10,000.[93]

In order to work intelligently for the conservation of the public health an agency for the collection of vital statistics is necessary. The Division of Vital Statistics was established as a permanent and legal part of the State Board of Health in the appropriation bill of 1912 providing for the expenses of the board. An item of $6000 was included in the appropriation bill of that year "for the establishment of a bureau of vital statistics for the year 1912."[94] A similar amount was appropriated for this bureau for each of the years 1914, 1915, 1916 and 1917.[95] For each of the years 1918 and 1919 the amount appropriated was $8000.[96]

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[87] Rept. State Board Health, 1915-1916, p. 14.

[88] Ibid., showing in one four-month period 20,000 treatments made and distributed.

[89] Ibid., p. 14.

[90] Ibid., pp. 14-15.

[91] Laws 1916, Ch. 52, p. 51, Sec. 1.

[92] Rept. St. Board Health, 1915-1917, p. 15.

[93] Laws 1918, Ch. 49, p. 55, Sec. 1.

The organization of the Bureau of Vital Statistics is based upon the Model Bill, which is used in all of the states doing effective work. "The bill provides that a sufficient number of local registrars be appointed throughout the state to collect the births and deaths occurring from time to time. The local registrars make monthly report to the Director of the Bureau of Vital Statistics. The birth and death certificates are gone over carefully as they are received by the bureau, and when improperly made out, every effort is made to get them corrected and recorded in proper form."[97] The Bureau of Vital Statistics is striving to reach the degree of efficiency in collecting births and deaths to be recognized by the United States Census Bureau, and in order to do this and therefore be placed in the United States Registration Area, it is essential to collect 90 per cent of the births and deaths occurring in the state each year."[98]

The fact that the negro population of Mississippi constitutes slightly over half of the total population of the state makes more difficult the work of collecting vital statistics. The officials of the bureau in their report to the governor and legislature in 1917 called attention to the need of employing a field agent, as done in other states,[99] for the collection of statistics relative to births and deaths. In the opinion of the officials of the bureau, after employing a field agent there would be no difficulty in placng the state in the United States Registration Area.[100]

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[94] Laws 1912, Ch. 62, p. 52.

[95] Laws of 1914, Ch. 52, p. 60; Laws 1916, Ch. 52, p. 51.

[96] Laws 1918, Ch. 49, p. 55.

[97] Rept. State Board Health, 1915-1917, p. 13.

[98] Rpt. State Board eHalth, 1915-1917, p. 13.

[99] North Carolina, e. g.

The work of the Division of Municipal Sanitation has been chiefly in the hands of the Chief Sanitary Inspector of the Board of Health staff. The activities of this division include the inspection of all places of public utility in the towns and cities of the state. "This means," says the 1917 report of the inspector, "the inspection of dairies and their products, meat markets and slaughter houses, hotels and restaurants, grocery stores, fruit stands, drug stores and soda fountains, depots, passenger coaches, federal buildings, courthouses, jails, poorhouses, and also the general sanitary condition of towns and cities."[101] The Chief Sanitary Inspector, in view of the immense amount of inspection work that needs to be done, recommended in his report in 1917 that special attention should be given to sanitary inspection work in connection with the dairy industry of the state, which industry has grown rapidly during recent years.[102] The report also called attention to the need of more careful and systematic inspection of hotels and restaurants than could possibly be made by one officer, who in addition to this duty has imposed upon him a multiplicity of other important duties.[103] The appropriations made by the legislature for this branch of the public health work have been exceedingly small. The amount appropriated to be spent annually for "food and drug inspection, and the inspection of the towns and cities of the state and for the enforcement of the sanitary regulations of the state" in 1914, 1915, 1916 and 1917 was $3200,[104] and in 1918 and 1919 $3600.[105]

In addition to the five bureaus under the present organization of the State Board of Health, the report of the Board in 1917 contains a recommendation that the appropriation for the work of the Board shall be made adequate to establish a division of child welfare work.[106] The activities of such a bureau would be chiefly those pertaining to the medical inspection of children of school age. Unquestionably the establishment of such a bureau in the State Board of Health would be of material benefit to the people of the state, both as a matter of public health and as a problem of vital importance in the educational work of the state.

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[100] Rept. 1915-1917, p. 13.

[101] Rept. St. Board Health, 1915-1917, p. 15.

[102] Ibid., See Ch. VI, infra, and Laws 1918, Ch. 191, p. 224.

[103] Above.

[104] Laws 1914, Ch. 62, p. 60; Laws 1916, Ch. 52, p. 51.

[105] Laws 1918, Ch. 49, p. 55.

Important work has been undertaken, with highly commendable results, by the State Board of Health in connection with the prevention of blindness of newly born children. This work has been conducted under the provisions of the Model Law enacted by the legislature in 1916.[107] As a public health measure no more important legislation has been enacted than this law. The health authorities have been handicapped in carrying out the provisions of the law on account of meagre funds. The appropration for this special work for each of the four years 1916, 1917, 1918, and 1919 was only $300.[108]

Conducting demonstrations in the eradication of malaria by the sterilization of the blood of those infected;[109] preparing sanitary surveys of cities with a population of 5,000 or more;[110] conducting experiments in the treatment of pellagra; providing better methods for the prevention and treatment of tuberculosis[111]—these constitute some of the important phases of the work of the public health authorities of the state during recent years.

The legislature of 1916 passed an act to provide for the establishment of a state sanitarium for the prevention and treatment of tuberculosis.[112] Under the provisions of this statute, the State Board of Health elects a superintendent of the institution. It is required that the person selected for superintendency of the sanitarium be a well trained physician and experienced in public health work.[113] The same act created a bureau of tuberculosis to be operated by the sanitarium, the duties of which consists in collecting statistics pertaining to the work of preventing and treating tuberculosis. The bureau of tuberculosis cooperates with the bureau of vital statistics of the State Board of Health.[114] The legislature that created the sanitarium appropriated $25,000 for its establishment.[115] In 1918 the legislature appropriated a total of $159,276.00 for the operation and extension of the sanitarium during the years 1918 and 1919.[116] The work that is now being done by the tuberculosis sanitarium constitutes a long-needed and important part of the public health activities of the state.

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[106] Rpt. St. Board Health, 1915-1917, pp. 17-19.

[107] Laws 1916, Ch. 115, pp. 166-168.

[108] Laws 1916, Ch. 73, p. 67; Laws 1918, Ch. 98, p. 85.

[109] Rpt. St. Board Health, 1915-1917, p. 23.

[110] Ibid., p. 24.

[111] Laws 1916, 146, 147, 521, 544 and 638; Laws 1918, pp. 193, 194, 264.

[112] Laws 1916, Ch. 79, pp. 146-148.

Much of the success of the work of the state public health authorities depends upon the degree to which they enlist the sympathy and support of the county authorities of the eighty-two counties. The county is the unit of health activity. Each county in the state has a county health officer.[117] When the State Board of Health made its report in 1917, in all counties except two the county health officer was a part-time officer. Pearl River county and Prentiss county had full-time county health officers.[118] The salaries paid county health officers varied from $100 a year in Calhoun County to $2,800 a year in Pearl River County and $2,400 a year in Prentiss County.[119]

"The part-time county health officer is handicapped in doing effective health work," says the report of the State Board of Health, "for the reason that it is essential that he give proper thought and consideration to his practice."[120] Speakng of the system of local health administration in the state, the State Board of Health makes the following observations:[121]

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[113] Ibid., Sec. 2.

[114] Ibid., Sec. 4.

[115] Laws 1916, Ch. 68, pp. 63-64.

[116] Laws 1918, Ch. 38, pp. 46-48, general appropriation; Ch. 39, p. 48, special appropriation to cover deficit on equipment.

[117] Code 1906, Ch. 64, Sec. 2491.

[118] See Rpt. St. Board Health, 1915-1917, pp. 131-135, for report of the work of the two full-time county health officers.

[119] Rept. St. Board Education, 1915-1917, p. 128, for list of salaries paid in various counties.

> The present system of county health officers has without question been of considerable service to the State Board of Health in improving sanitary conditions. In many of the counties the part-time man achieves results for which he is by no means compensated. In the main, the part time county health officers of Mississippi have been, so far as the system will permit, reasonably effective health workers. But the prevention of disease should be the business of the State Board of Health. This responsibility must be shared by the county health officer. The business of conserving the public health requires the undivided and aggressive effort of those who serve in this capacity. It is a difficult problem to eradicate a disease even if one devotes his entire time to the task. It is a task that requires persistent, aggressive and intelligent effort day by day, year in and year out.

In view of this situation, the State Board of Health recommended to the legislature which met in 1918 that legislation should be enacted looking to the change of the system of county health work. In place of the part time health officers, the State Board would substitute full time county health officers, or district health officers. In the report to the governor and legislature on this question, the State Board said:[122]

> In the event the county elects to have an all-time county health officer the governing board of the county should be permitted to do so and the health officer selected by the board of health on the basis of training, experience and efficiency, regardless of the boundaries of the county. It may be advisable for two or more counties to combine and have a district health officer. In the event this were done, with a man in charge of the district devoting his entire time to the work, it would be more satisfactory and productive of larger results than the part-time health officer in each county. It is not desirable to abolish the part time system in toto, but to gradually supplant it by a more effective health organization such as above suggested.

The county health officer, under the plan recommended by the State Board of Health, would have jurisdiction over the cities and towns in the respective counties, except in the very few counties in which there are cities of 25,000 to 30,000 population. In these cities the State Board advises that there be a department of health, with a responsible head, and in such cities the county health officer would have no jurisdiction except in an advisory capacity.[123] The system here recommended would be a step forward toward securing a better organized and more efficient system of public health control in the state.

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[120] Rpt. State Board Health, 1915-1917, p. 21.
[121] Ibid., pp. 21-22.
[122] Rpt. St. Board Health, 1915-1917, p. 22.

There are ten state-supported institutions in Mississippi which have been established for public health purposes. They are the Mattie Hersee Hospital at Meridian, the Natchez Hospital, the Charity Hospital at Vicksburg, the State Charity Hospital at Jackson, the State Charity Hospital of South Mississippi, the State Tuberculosis Sanitarium, the State Insane Asylum, the East Mississippi Insane Hospital, the Institute for the Deaf and Dumb, the Institute for the Blind. The latter two are educational institutions, but they are also institutions engaged in public health activities.[124]

Thus it will have been noted that the activities of the state health authorities are numerous, including among their chief functions the prevention of the spread of contagious and infectious diseases among men and animals; the regulation of the practice of medicine, dentistry, and pharmacy; the inspection of food and drugs; the regulation of labor conditions in certain trades and occupations employing women and children; the directing of sanitary work in various rural communities; the control over the preparation of the bodies of the dead for burial and their transportation from place to place; the collection and collation of vital statistics; the conducting of experiments in methods of eradicating certain diseases; and the supervision of local health authorities. Although the state health forces have frequently been handicapped in their work on account of lack of funds, the legislature is showing a disposition to be more liberal in the amount appropriated biennially for the improvement of public health conditions.[125] In the administration of public health affairs in the state the tendency has been toward a more centralized plan and the indications are that greater centralization will be effected in the future.[126]

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[123] Rept. St. Board Health, 1915-1917, p. 22. Jackson has an all time city health officer.

[124] The King's Daughters Hospital at Gulfport receives some aid from the state. See Laws 1918, Ch. 37, p. 45.

[125] A total of $95,200 for the use of the State Board of Health, and $50,000 for the Livestock Sanitary Board appropriated in 1918, shows a substantial increase over any previous biennial appropriation. Laws 1918, Ch. 49, pp. 54-55; Ch. 98, p. 85; Ch. 45, p. 51.

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[126] In the 1919 gubernatorial campaign one of the candidates includes as one of his "platform promises" the recommendation that the State Board of Health be materially reduced and that its membership be selected by the State Medical Association.

CHAPTER VI.

AGRICULTURAL ADMINISTRATION

In a state essentially agricultural in its general economy it would be expected that evidence of direct state participation in agricultural pursuits would be found in the early public statutes. Such is the case in Mississippi. Under provision of an act approved January 27, 1841, entitled "An act to promote industry, and for the encouragement of agriculture in the State of Mississippi" a State Agricultural Society, and auxiliary County Agricultural Societies were established.[1]

As a pioneer piece of legislation for the promotion and protection of agricultural pursuits in the state, this statute is worthy of note. In the introduction to the statute it was observed that to encourage, by every legitimate means, such pursuits among its citizens as tend to increase substantial prosperity "is the highest privilege and most sacred duty of a state legislature;" that "it is on the pursuit of an efficient system of agricultural employment that every people is dependent for the abundance and cheapness of the necessaries and luxuries of life, which constitute the surest evidence of a prosperous community;" and that "by a concurrence of unfortunate circumstances, this vital branch of individual and national wealth and happiness is greatly depressed and paralyzed among us, and, if ever, should now receive the fostering aid and encouragement of the people's representatives."[2]

Each county in the state—at that time fifty-nine—was constituted an "Auxiliary Agricultural Society," and any freeholder of the state could become a member by the payment into the county treasury of five dollars. Each county organization was called upon to elect a president, two vice-presidents, a secretary, and a committee of five members for the purpose of awarding premiums, called the "Premium Committee." The county treasurer of each county was designated to serve as treasurer of the county agricultural society.[3]

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[1] Hutchison's Code, 1798-1848, Ch. 6, Art. II, pp. 145-147.
[2] Hutchison's Code, 1789-1848, p. 145.

The State Agricultural Society was established "to be composed of one member from each auxiliary county society, who shall elect annually ten local members, all of whom shall elect a president and five vice-presidents." The secretary of state and the state treasurer were made secretary and treasurer, ex-officio, respectively, of the state agricultural society.[4]

The county societies were required to pay twenty per cent of their entire annual receipts into the state treasury, to the credit of the State Agricultural Society, upon the payment of which the auditor was required to issue his warrant in favor of the society for an amount equal to one-half of the total amount paid into the treasury by the various county societies. This constituted the funds of the State Agricultural Society, perhaps the first direct state appropriation for agricultural purposes.

The activities of the state organization and the several county organizations may best be seen by quoting from the law concerning the way in which the funds of the two societies were to be appropriated.

Article 7 of the statute read:[5]

> The State Agricultural Society shall, at its discretion, appropriate its means as follows: To defray the necessary expenses of maintaining a correspondence with the county societies, and other institutions and persons abroad and at home; to the procurement and dissemination of useful information on all the subjects connected with agriculture, industry and economy; in the purchase of books, pamphlets, maps, charts, and specimens of skill and ingenuity upon all subjects connected with agriculture, the production of the earth, or all the animal creation; to promote the circulation of agricultural newspapers in this state; to the printing and disseminating documents upon agricultural subjects; to institute inquiry and research into the subjects connected with agriculture; and, generally, to cause all practical information calculated to advance agricultural and economical science, to be embodied for general use, and communicated to the citizens of this state.

The ambitions of the local societies were scarcely less inclusive than those of the central body. The law required that the funds of the county association should be appropriated as follows:[6]

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[3] Ibid., Sec. 1.
[4] Ibid., p. 145, Sec. 5.
[5] Hutchinson's Code, 1798-1848, p. 146.

> To defray the expenses of correspondence; to the payment of contributors to agricultural journals on agricultural subjects; to promote excellence in tilling land; to reward the producers of rare and extraordinary results from the cultivation of the soil; to the encouragement of importations from abroad, and from other states, of improved seeds, plant, and other vegetable production suitable to our climate; to encourage importations and improvements in horses, asses, cattle, sheep, hogs, and other live stock, of approved qualities; to encourage the culture of the grape, and the making of wine; to inspire rivalship in raising fine fruits of all kinds; to encourage the raising of silk, and making silk thread and cloth; to encourage the manufacture of woolen and cotton yarns and cloths; to encourage and patronize the improvement and invention of labor-saving implements of husbandry; to encourage the culture of rice, tobacco, indigo, and other articles of consumption; to encourage domestic industry in weaving, spinning, knitting, sewing, and such other exertions of skill as are calculated to promote the resources, and develop the means, of the State of Mississippi.

Indicating an additional activity of the county societies the law authorized each of these organizations to acquire and hold to an amount not exceeding forty acres as a place for holding fairs.[7]

The president of each county society was required to make an annual report to the president of the state society which should contain "substantially and specifically the state of agriculture and economy of the county; the improvements made and being made; an estimate of the probable profits of the different branches of agriculture; with such other suggestions and reflections as may be deemed useful and interesting to agriculture."[8] The state society prepared a digest of the various county reports, supplemented by any additional suggestions deemed useful and proper.[9]

The third constitution of the state provided for the office of commissioner of immigration and agriculture. Section 23 of the constitution of 1869 stated that "there shall be a commissioner of immigration and agriculture, who shall be elected by the legislature on joint ballot, who shall hold his office for the term of four years unless sooner removed by law.''[10]

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[6] Hutchinson's Code, 1798-1848, p. 146, Sec. 8.

[7] Ibid., p. 147, Sec. 11.

[8] Hutchinson's Code, 1798-1848, p. 146, Sec. 9.

[9] Ibid., p. 147, Sec. 10.

On March 8, 1882[11] the legslature approved an act to organize and regulate the duties of the Department of Immigration and Agriculture, pursuant to the provision of the constitution of 1869. The Board of Immigration and Agriculture established by this act was composed of the Governor who was president of the board, the Commissioner of Immigration and Agriculture, the Attorney General, and the State Treasurer. The board was required to hold regular meetings once every three months, and the Governor or Commissioner could call a special meeting of the board whenever business required it. Section 3 of the act empowered the Commissioner of Immigration to authorize the organization of auxiliary boards of immigration and agriculture in such counties of the state as desired the same, under such rules and regulations as the boards of immigration and agriculture might prescribe.[12] Under the terms of the act the Commissioner of Immigration and Agriculture was required to submit to each county superintendent of education and each clerk of the chancery court in the state a questionnaire which was quite comprehensive in the amount and nature of information it sought to elicit. The Department of Immigration and Agriculture, under this act, was called upon to make a type of social survey of the state, which was to be used as a means of attracting immigrants to settle in the state.[13] The Board was authorized to appoint a deputy and an assistant commissioner. For the purpose of carrying out the provisions of the act $25,500 was appropriated by the legislature.[14]

The Department and County Auxiliary Boards created in 1882 were rather short-lived. For several years there was no state department of agriculture. A Department of Agriculture and Immigration was created by act of the legislature in 1906.[15]

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[10] Art. XII, Sec. 23.

[11] Laws 1882, Ch. XVIII, pp. 26-32.

[12] Laws 1882, Ch. XVIII, Sec. 3.

[13] Ibid., Secs. 4-8.

[14] Ibid., Sec. 12.

[15] Laws 1906, Ch. 102, pp. 83-87. Code 1906, Ch. 32, pp. 526-629.

The same legislature changed the name of the department to Agriculture and Commerce.[16] The department was placed under the management and control of a Commissioner of Agriculture, Statistics and Immigration, who, under the terms of the law "should have competent knowledge of agriculture, mining, manufacture, statistics and general industries, must be an experienced and practical agriculturalist, and shall be elected by the people at the time and in the manner that other state officers are elected."[17]

The governor appointed a Commissioner of Agriculture, Statistics and Immigration to serve until January 1, 1908, when the elected Commissioner's term began. The Commissioner serves a term of four years, and is eligible for reelection. Section 9 of the act creating the Department of Agriculture and Commerce prescribes the duties of the Commissioner.[18] These duties relate to subjects that have to do with developng and protecting various agricultural pursuits. It is provided in the statute that[19]

> No provision of this Act shall be construed to in any way conflict with the work and scope of the Agricultural and Mechanical College and Experiment Station. It is the purpose that this department shall cooperate with said college and Experiment Station in the dissemination and publicity of such useful information as may come into the possession of said department.

The initial appropriation to the department for the biennium 1906-1907, was a total value of $9,700.[20]

The Commissioner of Agriculture and Commerce has had new duties, from time to time, added to those required of him in the act establishing the department. The legislature in 1918 passed an act to "regulate dairies, creameries, milk and cream buyers and skimming stations, and the sale and purchase of milk and cream and the by-products of the same, in the State of Mississippi."[21] The Commissioner of Agriculture and Commerce is charged with the duty of enforcing the terms of this act. Since 1912 the Commissioner of Agriculture and Commerce has been charged with the duty of issuing tags to manufacturers of fertilizers, work formerly done under the direction of the State Chemist.[22] The Commissioner also cooperates with the State Chemist in administering the law, providing for and regulating the inspection, sale, and analysis of commercial feeds and feeding stuffs in the state.[23] The appropriation for the support of the Department of Agriculture and Commerce for 1918 and 1919 was $12,051.30,[24] not including, of course, the amount appropriated for enforcing the feed and fertilizer law.

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[16] Laws 1906, Ch. 103, p. 87.

[17] Laws 1906, Ch. 102, p. 83.

[18] Ibid., p. 84.

[19] Ibid., part 8a, p. 85.

[20] Ibid., Ch. 46, p. 43.

[21] Laws 1918, Ch. 191, pp. 224-231.

The work of the State Department of Agriculture and Commerce, as at present constituted, falls under the following heads:[25]

I. Promotion of general agriculture throughout the state.

II. Control and regulation
  (1) Inspection of feeds
  (2) Inspection of fertilizers
  (3) Inspection of foods, under the direction of the State Chemist, in cooperation with the United States Department of Agriculture.
  (4) Live stock sanitation
  (The Commissioner of Agriculture is ex-officio Chairman of the State Live Stock Sanitary Board)
    (a) Eradication of the cattle tick
    (b) Control of outbreaks of diseases
    (c) Quarantines
  (5) Plant disease regulation
  (The Commissioner of Agriculture is ex-officio chairman of the State Plant Board)
    (a) Orchard and nursery inspection
    (b) Citrus canker eradication
    (c) Prevention of the introduction of insect pests and diseases injurious to plants and plant products.
    (d) Quarantines
  (6) Dairy and creamery inspection and regulations.

III. Administration
  (1) Agricultural statistics (Provided for in the law creating the department; but no funds are available by appropriation for carrying out the law).

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[22] Laws 1912, Ch. 138, pp. 138-140. See infra., p. 252.
[23] Ibid., Ch. 139, Sec. 11; also Ch. 220, Laws 1912.
[24] Laws 1918, Ch. 1, p. 4.
[25] By the courtesy of Mr. P. P. Garner, State Commissioner of Agriculture and Commerce.

(2) Markets (This phase of the work, on account of the meagreness of the funds available, is confined to the semimonthly issuance of a modest market bulletin, in which are given farm products, etc., "for sale" or "exchange" or "wanted").

(3) Publication: The Bulletin, the official organ of the Department, formerly issued monthly, but now quarterly, on account of the meagreness of funds.

(4) Immigration: The law creating the Department provides for the preparation and display at Fairs and Expositions of exhibits showing the state's resources, and intended to attract settlers. Provision is also made for the preparation of a handbook giving full information concerning the advantages which the state affords to immigrants. On account of the lack of appropriation for this purpose it has not been possible for the department to carry out these provisions fully. The department has a great deal of correspondence with people in other sections of the United States in regard to their buying farms and homes in the State.

County departments of agriculture were authorized by an act passed by the legislature in 1908.[26] The law provided that the board of supervisors of any county might establish a department of agriculture, the purpose of which should be "to disseminate useful information among the farmers and develop the agricultural resources of the counties of the state."[27] The board of supervisors was authorized to appoint a commissioner to direct the county department of agriculture. It was made the duty of the county commissoner "to keep in close touch with the United States Department of Agriculture, the Mississippi A. & M. College, the state experiment stations, the State Department of Agriculture, assist in organizing the agricultural societies, look after agricultural statistics and advance in every way possible the farming interests of the county."[28]

By Chapter 104, Laws of 1908, the board of supervisors of the various counties of the state were authorized to offer prizes to the corn clubs of the public schools of the county.[29] An act passed by the legislature in 1910 authorized the boards of supervisors in the various counties to make appropriations out of the general county fund to be used in co-operation with the

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[26] Laws 1908, Ch. 103, pp. 93-94.

[27] Ibid., Sec. 1.

[28] Laws 1908, Ch. 103, p. 94.

[29] Laws 1908, p. 94.

Mississippi Livestock Sanitary Board and the United States Department of Agriculture, Bureau of Animal Husbandry, in eradicating the cattle tick and infectious and contagious diseases in live stock.[30] Another bill passed by the same legislature authorized the county boards of supervisors to make appropriations out of the general county fund for the purpose of promoting the general development of agriculture, horticulture, and live stock resources of the State by offering premiums for excellence in production of crops and animals.[31] Thus in 1908 and 1910 the legislature was extending the practice which, at least in part, had begun back in 1841.[32]

By an act approved January 31, 1888,[33] the State of Mississippi accepted the provisions of an act of Congress[34] entitled an act to establish agricultural experiment stations in connection with the college established in the several states under the provisions of an act of Congress of 1862 and supplementary acts of 1887.[35] The act of the state legislature directed that the money received by the state under the provisions of the act of Congress should be expended under the direction of the Agricultural and Mechanical College, and the experiment station should be established in connection with the college. The trustees of the college were authorized to set apart for the use of the experiment station "so much of the land and other property belonging to said college as they may deem necessary from time to time."[36]

In order to serve more fully the people in all parts of the state, branch experiment stations were established in 1901 and 1904. These stations were placed at McNeill in the southern part of the state;[37] at Holly Springs in the northwestern part of the state;[38] and at Stoneville in the Yazo-Mississippi Delta.[39] The legislature in 1918 authorized the trustees of the

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[30] Laws 1910, Ch. 143, p. 135.

[31] Ibid., Ch. 144, p. 135.

[32] Hutchinson's Code, 1798-1848, p. 146, Sec. 8.

[33] Laws 1888, Ch. 32, p. 54; Code 1892, Ch. 3, Sec. 27, p. 122.

[34] The Hatch Act, approved March 2, 1887.

[35] See Ch. 11, supra., on public education.

[36] Laws 1888, Ch. 32, p. 54, Sec. 2.

[37] Laws 1901, Ch.

[38] Laws 1904, Ch. 84, p. 114.

[39] Ibid., Ch. 85, p. 115.

A. & M. College to remove the McNeill branch experiment station and locate it on land near Poplarville in Pearl River County. The board of trustees were authorized to sell all but five hundred acres of the land belonging to the McNeil station and to carry on pasture experiments in connection with the Southern Pine Association on the five hundred acres retained.[40] The experiment stations are supported partly by state and partly by federal funds. For the years 1918 and 1919 the state legislature appropriated $8,250 a year to the McNeill station, the same amount to the Holly Springs station, and $11,000 a year to the Stoneville station.[41]

Enforcing feed and fertilizer laws constitutes an important part of the agricultural administration in the state. By an act approved March 8, 1882, it was provided:[42]

> That each and every manufacturer and vendor selling or offering for sale, for use in this state, any commercial manures or artificially manufactured fertilizers, by whatsoever name called, animal excrement excepted, shall keep in his place of business, or possession, for inspection by the public, a fair printed analysis of the same.

It was provided in this act that the person occupying the chair of professor of chemistry in the Agricultural and Mechanical College is ex-officio State Chemist.[43] It was made the duty of the State Chemst to analyze samples of all fertilizers submitted to him by manufacturers, vendors or other persons, and to furnish such persons with a certificate of his analysis.[44] All manufacturers of fertilizers were required to have analyses made by the State Chemist, and to pay a fee of twenty dollars for each analysis and certificate of same.[45] All manufacturers were required to furnish their vendors certified copies of certificates of analysis.[46]

Chapter 31, Laws of 1888,[47] amended the law of 1882 by requiring that any citizen of the State desiring to have a fertilizer analyzed should, in addition to the requirements of the law of 1882, be required to furnish to the State Chemist a certificate of two or more persons, certifying that the sample of fertilizer forwarded to the State Chemist for analysis, was a sample of fertilizer sold in the store. The act of 1888 further provided that if the State Chemist should refuse to analyze such fertilizer and furnish a certificate of analysis as directed by law, that the board of trustees of the A. & M. College should remove him from the chair of professor of chemistry in the college, and appoint his successor.[48]

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[40] Laws 1918, Ch. 419, pp. 416-417.
[41] Ibid., Chapters 9, 10, 11, pp. 16-17.
[42] Laws 1882, Ch. XXIV, pp. 44-47, Sec. 1.
[43] Laws 1882, Ch. XXIV, pp. 44-47, Sec. 2.
[44] Ibid., Sec. 3.
[45] Ibid., Sec. 5.
[46] Ibid., p. 46, Sec. 8.
[47] P. 53.

The laws of 1882 and 1888 were substantially reenacted in the annotated code of 1892.[49] It was provided in this code that in addition to furnishing certificates of all analyses made, the State Chemist should have prepared a sufficient number of tags ''of suitable material and form, with proper fastening for attaching to packages, and having printed thereon the word 'guaranteed,' with the year of sale, number of tag, and a facsimile of his signature.''[50] The state Chemist was required to keep a record of all analyses and of tags issued. Section 2072 of the code provided that ''the state chemist shall charge and collect for the analysis of each brand of fertilizer the sum of fifteen dollars, and for enough tags for one ton of fertilizer, thirty cents.''[51] The law prescribed that every package of fertilizer sold should have a tag attached. Concerning the way in which fees received for analysis should be used, the law provided that such fees should be deposited with the treasurer of the A. & M. College, to be expended, under the direction of the board of trustees, in defraying expenses of analyzing fertilizers, the preparation of tags, and otherwise as the board shall allow or direct.[52] Under the terms of the code, the State Chemist was required to analyze free of charge samples of fertilizers ''properly certified and prepared which may be furnished to him by farmers and other purchasers.''[53]

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[48] Laws 1888, Ch. 31, p. 53, Sec. 2.

[49] Annotated Code 1892, Ch. 48, pp. 529-531.

[50] Ibid., Sec. 2068.

[51] Code 1892, Ch. 48, Sec. 2072.

[52] Code 1892, Sec. 2073.

A few changes of an administrative type have been made subsequent to the code of 1892.[54] The code of 1906, however, shows that the early laws relating to this phase of agricultural administration have remained without many very important alterations. By section 2251 of the 1906 code the provisions contained in section 2072 of the code of 1892 is amended so as to reduce from fifteen to five dollars the charge for analyzing each brand of fertilizer. Under the 1906 code thirty cents remained the charge for ''enough tags for one ton of fertilizer;'' but for cotton seed meal the cost of tags was placed at twenty cents per ton.[55]

By act of the legislature in 1912 the duty of issuing tax tags to manufacturers of fertilizers was transferred from the State Chemist to the Commissioner of Agriculture and Commerce;[56] the State Chemist remaining in charge of all analytical work. Fees were collected by the Commissioner of Agriculture and Commerce, and deposited with the state treasurer—five dollars for each guarantee received and registered by him,[57] and twenty cents for a sufficient number of tags for one ton of fertilizer or cotton seed meal.[58] The legislature of 1912 also passed an act to provide for and regulate the inspection, sale, and analysis of commercial feeds and feeding stuffs in the state.[59] The administration of the terms of the law is placed in the hands of the State Chemist and Commissioner of Agriculture and Commerce.[60]

The legislature appropriated $30,000 out of money turned into the State treasury from the sale of feed and fertilizer tags for the use of the Department of Agriculture and Commerce in enforcing of the feed and fertilizer laws during the years 1914 and 1915.[61] The amount appropriated for this purpose for the years 1916 and 1917 was $27,500,[62] and for the years 1918 and 1919, $33,957.43.[63]

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[53] Ibid., Sec. 2069.

[54] Laws 1896, Ch. 66; Laws 1904, Ch. 111.

[55] Code 1906, Ch. 51, p. 696.

[56] Laws 1912, Ch. 138, pp. 133-140.

[57] Laws 1912, Ch. 139, pp. 140-145.

[58] Ibid., Sec. 2.

[59] Ibid., Sec. 8.

[60] Ibid., Sec. 11, See also Ch. 220, Laws 1912.

The code of 1880[64] as well as the code of 1892[65] prescribed a penalty for keeping animals diseased with the glanders. An act passed in 1896 amended the previous code so as to authorize county boards of supervisors to employ at the expense of the county a veterinary surgeon in case of outbreak of glanders.[66] It was also provided in the act that the county board of supervisors should have authority to order all animals which had been exposed to glanders but not actually affected placed in quarantine.[67] The law amended is a part of the code of 1906.[68]

In creating the State Livestock Sanitary Board, the legislature of 1908 established a definite administrative agency for regulating live stock matters in the state. The State Live Stock Sanitary Board has seven members, five ex-officio and two appointed. The Commissioner of Agriculture and Commerce is chairman of the board; the professor of animal husbandry at the A. & M. College is secretary; the Governor, Attorney-General, and the professor of veterinary science at the A. & M. College, who is State Veterinarian, are members.[69] In addition to these, two other members are appointed by the governor as representatives of the live stock breeders of the state. The two members appointed by the governor serve four years. The board is given absolute power to regulate live stock matters—the right to establish and maintain quarantine lines, to prevent the introduction and spread of contagious and infectious diseases among live stock and to appoint inspectors and officers for the enforcement of regulations.[70]

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[61] Laws 1914, Ch. 8, S. B. No. 40, p. 14.

[62] Laws 1916, Ch. 9, H. B. No. 26, p. 15.

[63] Laws 1918, Ch. 65, S. B. No. 74, p. 66.

[64] Sec. 810.

[65] Sec. 1019.

[66] Laws 1896, Ch. 136, p. 152.

[67] Ibid., Sec. 2.

[68] Sec. 1096.

[69] The governor and attorney general added in 1910, Laws 1910, Ch. 227, p. 226.

The legislature that established the Live Stock Sanitary Board made an initial appropriation of $2500 for the year 1908 and the same amount for the year 1909.[71] In 1910 the legislature appropriated for the use of the Live Stock Sanitary Board for the years 1910 and 1911 a total of $40,000,[72] and in addition authorized boards of supervisors in the various counties to appropriate money out of the general county fund to be used in co-operation with the Live Stock Sanitary Board and the Bureau of Animal Industry of the United States Department of Agriculture in eradicating the cattle tick and infectious and contagious diseases in live stock.[73] Another act passed by the 1910 legislature, as already noted,[74] authorized the board of supervisors of the various counties to appropriate money out of the general fund for the purpose of promoting the proper development of agriculture, horticulture and live stock resources of the state by offering premiums for excellence in production of crops and live stock.[75] For 1912 and 1913 there was appropriated $35,000, and it was provided that if hog cholera should become prevalent, and if the original appropriation were exhausted, the governor should have authority to borrow $10,000 to be used by the Live Stock Sanitary Board.[76] The appropriation for the years 1914 and 1915 amounted to $40,000;[77] for 1916 and 1917 $35,000;[78] for 1918 and 1919 $50,000.[78] Important legislation relating to tick eradication was passed by the legislature of 1914[80] and of 1916.[81] The legislature of 1918 passed an act to provide for the control and eradication of tuberculosis among cattle; the direction of this work was placed in the hands of the State Live Stock Sanitary Board.[82]

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[70] Laws 1908, Ch. 106, pp. 96-98.
[71] Laws 1908, Ch. 41, p. 39.
[72] Laws 1910, Ch. 42, p. 37.
[73] Ibid., Ch. 143, p. 135.
[74] Supra., p. 250.
[75] Ibid., Ch. 144., pp. 135-136.
[76] Laws of 1912, Ch. 33, p. 34. Also Ch. 76, p. 60, appropriation of $193.50 to pay deficit for labor of Live Stock Sanitary Inspectors.
[77] Laws 1914, Ch. 33, p. 40.
[78] Laws 1916, Ch. 33, p. 38.
[79] Laws 1918, Ch. 45, p. 51.
[80] Laws 1914, Chapters 217-222, pp. 284-289.
[81] Laws 1916, Ch. 167, pp. 230-232.

The State Plant Board was created under the term of "The Mississippi plant act of 1918."[83] The board is composed of three members—the Commissioner of Agriculture, the Director of the state agricultural experiment stations, and the Chief Entomologist of the Agricultural and Mechanical College.[84] The general functions of the State Plant Board relate to preventing the introduction into and the dissemination within the state of insect pests and diseases injurious to plants and plant products of the state.[85] The board prescribes quarantine and inspection regulations, and appoints and prescribes the duties of such inspectors and other employees as necessary to carry out the provisions of the law. There was appropriated $25,000 a year for the years 1918 and 1919 "to be used by the state plant board, to prevent the introduction, dissemination and to eradicate citrus canker, pink boll worm, potato root weevil, alfalfa weevil, and other injurious insects and diseases."[86]

The State Geological Survey Commission has administrative duties relating to the agricultural development of the state. The commission was established by an act of the legislature in 1906.[87] The act creating the commission provides for an ex-officio personnel, as follows: the Governor, the State Superintendent of Education, the Chancellor of the University of Mississippi, the President of the Agricultural and Mechanical College, and the Director of the State Department of Archives and History. In the introduction to the statute enacted in 1906 providing for a geological survey of the state, reference is made to the antecedent legislation regarding this subject. This was to the effect that by an act of the legislature approved March 5,

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[82] Laws 1918, Ch. 215, pp. 264-265.
[83] Laws 1918, Ch. 219, pp. 270-275.
[84] Laws 1918, p. 270.
[85] See Laws 1908, Ch. 105, pp. 94-96.
[86] Laws 1918, Ch. 63, pp. 64-65.
[87] Laws 1906, Ch. 111, S. B. No. 27, pp. 98-100. Code 1906, Ch. 59, pp. 720-722.

1850, a geological survey was instituted and prosecuted for some years with great advantage to the people of the state; but the survey was left incomplete in 1872 by the appropriation for the survey being discontinued.[88] Not until 1906 was the work recommenced.

It was provided in the law that the State Geological Commission shall serve without pay, but shall be reimbursed for actual expenses incurred in the performance of their official duties. It was also provided that Commission shall have general charge of a "geological, economic and topographical survey of the State of Mississippi" to be made in cooperation with the Geological Survey of the United States. The Commission was required to appoint as director of the survey a geologist of established reputation to be known as the State Geologist, and to select such assistants and employees as necessary in the work of making the survey.

Besides the general value of such a survey to the agricultural interests of the state, among the stated objects and purposes of the survey are given such as (1) an examination and classification of the soils and study of their adaptability to particular crops and (2) an examination of the physical features of the State with reference to their practical bearing upon the occupations of the people.[89] Bulletins containing information valuable to farmers are issued by the State Geologist from time to time.[90] The regular meetings of the Commission are held on the first Wednesday in May and the first Wednesday in November of each year.[91] The state appropriations for the work of the geological survey have been as follows: for 1906 and 1907, \$10,000;[92] for 1908 and 1909, \$10,000;[93] for 1910 and 1911,

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[88] Ibid., p. 98.

[89] Laws 1906, Ch. 111, p. 99.

[90] Laws 1906, Ch. 34, p. 36, Sec. 3.

[91] Laws 1906, p. 100.

[92] Laws 1906, Ch. 34, p. 36, Sec. 1.

[93] Laws 1908, Ch. 34, p. 34.

$16,000;[94] for each biennium 1912 and 1913, 1914 and 1914, 1916 and 1917, 1918 and 1919, $13,500.[95]

Teaching and demonstration work contribute a most important part of the agricultural administration work of the state. The Mississippi Agricultural and Mechanical College established in 1878,[96] through its School of Agriculture, offers students a general education along industrial lines, through instruction in technical, agricultural science, and as far as possible the practical application of these sciences to farm life. Six courses[97] are offered by the School of Agriculture of the College: (1) four-year course in agriculture; (2) graduate course in agriculture; (3) four-year course in agricultural engineering; (4) two-year course in agriculture; (5) farmers short course; (6) correspondence course in agriculture, especially for farmers and public school teachers.[98]

There are forty-eight county agricultural high schools in the state. This type of agricultural schools was first provided for by an act of the legislature in 1908,[99] as amended by act of the legislature in 1910.[100] These schools are supported chiefly by county funds, but under section 5 of the law of 1910 establishing county agricultural high schools the legislature was authorized, after certain requirements had been fulfilled by the schools, to appropriate not more than $1,500 a year, or $3,000 a year where the school is established by two counties jointly, toward the support of these schools.[101] In 1916 the legislature amended the law establishing agricultural high schools so as to permit the legislature to appropriate as much as $2,500 a year to any county agricultural high school having over forty boarding pupils and as much as $4,000 a year to any joint-county having over eighty boarding pupils.[102] The amount appropriated for the years 1918 and 1919 out of state funds to aid country agricultural high schools was $231,500.00,[103] and besides $21,499.99 was appropriated to cover a deficiency in the annual appropriation for the maintenance of these schools for the scholastic years 1916 and 1917.[104] Through the cooperation of the federal government under the terms of the Smith-Hughes act approved by congress February 23, 1917, and accepted by the state legislature[105] approved October 11, 1917, the teaching of agricultural subjects in secondary schools will be greatly increased in the future.

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[94] Laws 1910, Ch. 38, pp. 34-35.

[95] Laws 1912, Ch. 48, p. 43; Laws 1914, Ch. 48, p. 50; Laws 1916, Ch. 40, p. 43; Laws 1918, Ch. 46, p. 52.

[96] See Chapter 11, Public Education, supra.

[97] In addition, in 1919 a practical course for disabled soldiers added.

[98] See Catalogue 1918-1919, Miss. A. & M. College, p. 50.

[99] Laws 1910, Ch. 102, p. 92.

[100] Laws 1910, Ch. 122, p. 110. See Chapter 11, Public Education, supra.

[101] Laws 1910, Ch. 122, Sec. 5, p. 112. See Ch. 11, Public Education, supra.

The agricultural demonstration and extension work which is prosecuted under direction of the Agricultural and Mechanical College in cooperation with the United States Department of Agriculture has developed phenominally during the past few years. In 1919 there were 269 men and women engaged in the various branches of this work.[106] The activities of the extension workers are organized in five separate divisions, namely, (1) the Administrative Division, (2) the Scientific and Expert Divison, (3) the Boys' Club Division, (4) the Farm Demonstration Division, and (5) the Home Economics Divisions. On April 15, 1919 in seventy-four of the eighty-two counties of the state there was a full-time county farm demonstrator.[107] In addition, twelve counties had assistant emergency demonstration agents.[108] Eleven counties had local negro agents to work especially among the members of that race.[109] Sixty counties had women county home demonstration agents. Negro women were employed to work with the members of their race as county home demonstration agents in twenty-four counties.[110] As the state's share, the legislature of 1918 appropriated a total of $77,000 for the extension work under the Smith-Lever act of congress which was approved May 8, 1914. Of this total, $37,500 was appropriated for men's work; $29,500 for women's work; and $10,000 for boy's work.[111] It was stated in the bill appropriating this amount that it should be used for the following purpose: "Boys' corn club, baby beef club and pig club work, demonstration work for men and women, farmers institute work, and offset for the Smith-Lever funds."[112]

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[102] Laws 1916, Ch. 193, p. 283.

[103] Laws 1918, Ch. 55, p. 59.

[104] Laws 1918, Ch. 56, p. 59.

[105] Laws of Special Session, 1917, Ch. 29, S. B. No. 17. See also Ch. 18, Laws Special Session, 1917; Laws 1918, H. B. No. 310, and S. B. No. 4.

[106] Catalogue, Miss. A. & M. College, 1918-1919, pp. 11-18.

[107] Ibid., pp. 13-14, list of the counties.

[108] Iibd., pp. 14-15.

[109] Ibid., p. 15.

The Director of the extension forces has administrative control over the whole organization. At the head of each division is an assistant director. The central offices are located at the Agricultural and Mechanical College.

It is apparent that the agricultural administration of the state as a whole does not constitue a centralized system; yet certain phases of the work, e. g., the extension work, is organized into a centrally controlled plan. The three general phases of the administration of agricultural activities in the state may be put down as (1) those of experimentation, (2) those of teaching, and (3) those of policing, or inspection work. By grouping the various agricultural activities, for administrative purposes, under these three divisions, with a responsible head for each division and a definite plan of correlating the work of the three divisions greater efficiency and surer economy of administration could, it seems reasonably certain, be effected.[113]

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[110] Ibid., p. 16-18.

[111] Laws 1918, Ch. 14, p. 20.

[112] Ibid.

[113] For suggested plans of organization in the public administration of agricultural interests, see (1) Recent Administration in Virginia, Ch. V, pp. 145-146, Magruder, 1912, Johns Hopkins Press, and (2) Report on Pub. Adm. in relation to Agr. and Allied Interests, J. W. Garner, 1914, pp. 49-51, prepared for the Effic. and Econ., Commission, State of Illinois.

INDEX

A

Aberdeen, 183

Academy, Elizabeth Female, 25

Academy, Franklin, 25

Academy, Hampstead, 25

Act, 1890, 128; 1866, 135; Hatch, 251; Smith-Lever, 261; Banking 1914, 175.

Acts, bearing on Tax Commission, 215, 216, 188, 162; 1892, 162; 1910, 133.

Acts, educational, 36

Adjutant General, 12

Administration, Agricultural, 244ff; public, in rel. to Agrl. & allied interests, 261; Recent in Va., 261

Advance, Miss. Educational, 74, 117, 124.

Agent, State Revenue, 10, 18.

A. & M. College, 15, 101, 131, 134, 146, 152, 230, 232, 250-3, 255, 257, 259; Bulletins of, 113-114; Catalogues of 139, 259, 260; opened, 138; legislation for, 137; maintenance, 64. President, 89, 231; scope, 139; statistics, 138-9; trustees, 138, 231; women at, 138

Agriculture, 19; county department of, 250; courses in, 259; Secretary of, 162; State Dept. of, 250; U. S. Dept. of, 250, 256, 260

Agriculture & Commerce, Commission of, 11, 15, 18; 232, 249; 254-255; 257

Agriculture & Commerce, Dept. of created, 11, 248, 254; work of, 249

Agriculture, Horticulture & Botany, Dept. of at Univ., 137

Agriculture & Immigration, Dept. of, 247

Agriculture, Statistics, & Immigration, Commissioner; duties of, 248-9

Aid, federal to ed., 120; State aid to, withdrawn, 86

Alabama, St. of, 185

Alcorn A. & M. College, 56, 64, 131, 146; incorp. 136; for negroes, 152; property and funds of, 146; reorganized, 137; statistics, 146-7

Alcorn, Gov., 41, 56.

Alcorn Univ. estab., 56; 145-6

Allowance, per capita for Education, 122

Amendment, Fourteenth of Const. U. S., violated, 84

Ames, General Adelbert, Military Governor, 55, 57, 123, 190

Amite County, 39, 42

Anderson, E. F., 180

Anti-slavery, 127

Appraisers, board of, 50, 51

Arbor Day, 70

Archives and History, Dept. of, 14; 15; 258

Arkansas, 145; Gov. of 184

Assembly, Miss. Territorial, 158, 159

Assessment, mode of, 199

Assessments, equalization of county, 205

Assessor, county, 189, 199, 211-212

Assessors, county, to enumerate children, 47, 186; compensation of, 206, 209; salaries, 207; proposed examination, 209

Association, American Missionary, 35, 56, 145

Association, Miss. Bankers, 56, 164; Journal, 178-9; proceedings, 164

Association, Library, 113

Association, State Medical, 12, 220f; 224, 243

Association, Southern Pine, 252

Association, Teachers', 36, 113, 124, 125, 138, 142; report 1919, 125

Association, State Veterinary Medical, 13, 233

Asylum, State Insane, 242

Attendance, Compulsory School, 124

Attorney General, 10, 15, 18; on Board of Ed., 39; 69, 110, 170, 207, 216, 255; appoints one Bank Commissioner, 167

Attorneys, 176

Auditor of Pub. Accounts, 7; election, 9; 15. 18; 48; 64; 67, 122, 162; appoints one bank commissioner, 167; report 1915-1917, 194

B

Bandi, J. A., 178, 179

Bank, Agricultural, 160; First Natl. of Columbus, 161

Bank of Mississippi, 27

Bank, Planters', 158

Bank, Union, 160

Bank, U. S. branch at Natchez, 159

Banker, The Miss., 193

Banking, 19, 157

Banking, Hist. of In All Nations, 157-160; in Miss., 160, 174-5

Banking, preceding Civil War, 161

Banking, State Dept. of, 165, 176, 181-3; maintenance, 169; reports, 164, 171, 175, 181

Banking, statistics 1900-1918, 163

Banking, wildcat, 160

Banks, Mississippi, 195; National, 179, 183; Savings, 173; statistics of, 162-3; Union & Planters', 161; U. S. 1837, 160; inspection of, 162

Bardwell, Joseph, Supt. of Ed., 33

Beat One, Otibbeha Co., 201

Beats, or Supervisors' districts, 16

Bill, Kyle Banking, 202f

Biloxi, 183

Blind, Institute for, 242

Board, County School, 84-86; compensation for, 81; meetings, 81; personnel, 80

Board, International Health, 235

Bogan vs Holder, 207

Bolivar County, 88, 119

Bond, for members of Board of Ed., 45

Bond, W. F., State Supt. Education, 154, 234

Bonds, Levee, 170; Miss, 170; U. S. deposited with State Treas., 170

Botany, 137

Boyd, G. F., 142

Brandon, Gov., 26, 129, 158
Britton & Koontz, Bank of, 161
Brough, C. H., 161, 175, 184-191
Brown, A. G., Governor, 127; ex. Gov. 128; 28, 29, support of free education, 29; canvass for education, 30; messages to legislature, 30, 31; elected to Congress, 32
Brown, Johnson & Co., Vicksburg, 161
"Bulletin," The, 250
Bureau, The Freedman's, 34, 35
C
Calhoun Co., 240
Calhoun, J. T., 88-89; 117
Campbell, Judge J. A. P., 162
Cardoza, negro Supt. Ed., 58
Carolinas, the, 126
Carnegie Corporation, 111
Carpet-bag, 60, 97, 146
Carriage, tax on pleasurable, 187
Cases, appeal, 76
Censors, board of, 223
Census, 1860, 134; 1910, 227; 13th U. S., 192
Census Bureau, 237
Centralization, 157; in banking law, 166; in adm. of higher educational institutions, 151; in adm. of pub. education, 151
Certificates, teachers', 47, 51
Chancellor, director of Literary Fund, 24
Chancellor, St. Univ., 15, 231
Chancery Court, Clerk, 76, 212
Charter, for Univ., 130
Chattahoochie River, 184
Chemist, State, 11; 288; 230-1; 249; 252-4
Chemistry, agricultural, 156
Chemistry, Prof. of at A. & M. College, 230; 252-3
Chemists, 231
Chickasaw River, 187
Cholera, hog, 232, 256
Cities, defined, 17
Civil War, 34, 58, 127, 161
Claiborne Co., 25, 140, 145
Clerk, of Circuit Court, Secy. of Co. School Board, 42, 48, 54; municipality, 76
Code, Hutchinson's, 1798-1848, 22, 188, 244, 245, 246, 251
Code, Sargent's, 185
Code, 1871, 46, 130
Code, Revised 1871, 44-54; 95; 104, 105; 218, 219
Code, 1880, 255
Code, 1892, 12; 224-228; 230; 251; 253-255
Code, 1892, amended, 228
Code, 1892, annotated, 253
Code 1906, 9; 10; 11; 12; 13; 15-17; 67-72; 74, 75; 77-83; 89; 96-97; 99-104; 110-112; 114; 119-121; 184; 198-9; 201; 206; 208-212; 227-8; 230; 240; 254; 257
College, Agricultural, 137
Colleges, Northern and Eastern 126
College, State, 234
Colleges and Universities, Southern, 127
Collins, 177, 183
Columbia, 183
Columbia Univ. Series, 148
Columbia Univ. Studies, 148
Columbus, 131, 139, 183
Columbus Ins. & Banking Co., 161
Commerce, Bank of (Gulfport), 177

Commission, Capitol, 15

Commission, County Library, 112; Co. School, 90, 92

Commission, Educational, 69; 73-4; 90; 151; code not sanctioned, 74, 90; proposed law, 93-4

Commission, Geological Survey, 11, 14, 15, 257-8

Commission, Highway, 14

Commission, Illiteracy, 11, 14; 69; 72-3; 151

Commission, Railroad, 9, 18, 199

Commission, Tax, 198; 204-5; 208-11; 213; duties of, 202; report of, 205

Commission, Text Book, 11, 14, 69, 149, 151, 167; compensation, 72; personnel and duties, 71; work of, 108

Commissioner, Land, 9, 18

Commissioner, County School, 91

Commissioner, School, 33, 42

Commissioners, Board of Bank, 13, 160, 167; 176; remuneration, 168; vacancy on, 167

Commissioners, Co. School, in five counties, 42

Commissioners, Election, 15, 91

Commissioners, Railroad, 199

Commissioners, Sanitary, 220, 223

Commissioners, Tax, 14, 202-3

Commissioners, Univ. site, 1840, 129

Committee, Premium, 244

Committees, legisl. investigating 151

Committees, text book, 105

Companies, Railroad and Banking, 159

Conference, Methodist, 56

Congress, 134, 135, 184; act of, 64; acts 1815-19, 128; 1894 donates land to I. I. & C., 140; 1862; 251; 1917, 260

Consolidation of Schools, 152

Constitution, Miss., 7, 49, 114; State, 196; U. S., 49, 84; 1817, 20, 26, 37-8, 64, 148; 1832, 26, 36-7, 148, 211; 1868-9, 35, 38-41, 44, 47, 148, 197, 206, 211, 214, 246, 247; 1890, 8, 14, 15, 62-4, 110, 114, 116-9, 133, 148, 162, 197, 199-201, 206, 208-209, 211, 214, 227

Convention, Aug. 1865, 36; 62; "Black and Tan," 190; constitutional, 189-190; Democratic State, 140; taxpayers', 190; Reconstruction, 38

Cooley, Law of Taxation, 148

Copiah County, 40; 140-1

Corinth, school for negroes at, 34

Cost, governmental, per capita, 193

Council, city, 48

Counties, classes of, 207; issue of bonds for securing Normal, 143

Court, of common pleas, 185

Court, general quarter session, 185

Covington County, 118, 120, 196; Bank of, 177

Currency, 53

D

Dancing Rabbit, treaty of, 26

Davis, Whitman, 111, 112

Deaf and Dumb, Instiitute for, 242

Deaf, Dumb, and Blind, 114

Debt, bonded, 194

Decentralization of pub. schools, 32, 33ff

Degree, B. A., 130; college, 125

Delta, Yazo-Miss., 251

Democrats, 58

Demonstration, agricultural, 259-260

Department, Agrl. at Univ., 136-7

Depositos, bank, 170f

Deposits, bank, 157; guaranteed, delned, 173; guaranty of, 165, 169, 173f; increase of since 1914, 180; not to exceed ten times cap. & surplus, 173

Deputy, for Co. Supt. Ed., 79

DeSoto County, 132, 227

Directors, board of school, 42, 48, 49, 55

Disease, eradication of, 235-6

Diseases, plant, 257

District Attorney, 216, 223, 231

District, congressional, 46, 52, 220, 224

District, school, 39, 40, 53, 94, 115

District, supervisors', 201

District, supreme court, 132, 166

Districts, consolidated school, 120

Districts, county, 211

Districts, levee, 14

Districts, rural school, 119-120.

Districts, school, 44, 48, 121; boundaries of, 82, in two counties, 81-2; new system of, 62; separate for white and colored, 81

Districts, separate school, 119

Districts, supervisors', 16, 151

Division, Administrative, 260; Boys' club, 260; Farm Demonstration, 260; Home Economics, 260; Scientific and expert, 260

Dutton and Snedden, Profs., 115, 118, 121, 123

E

Ecru, 183

Education, nine hours in for teachers' license, 101

Education and Sociology, Dept. of, 138

Education, Board of, 10, 15, 29, 39, 44-5, 48, 52, 63, 69, 85, 91, 98, 104, 150, 151, 152; appeal to, 79; duties, 39, 70; meetings, 70; personnel, 15, 39, 69; quorum, 29; cooperates with Brd. Health, 233

Education, compulsory, 57, 123f, 150

Education, Department of, 87, 151, 154; Bulletin 6, 89, 90; Bulletin 10, 84, 88, 89; Bulletin 12, 86, 87, 88, 102; Report, 118, 122

Education, General Commissioner of, 67

Education, higher, 25, 74, 125; slow growth, 25; of women, 125

Education, History of in Miss., 127; see Mayes

Education, negro, 55-60; not opposed by whites, 55

Education, Northern, opposition to, 127

Education, public, 19, 58-9; begun, 21ff.; adm. of in U. S., 115; financing of, 115ff; retarded by Civil War, 37; after war, 35; unified system of, 37, 63
Educational, vocational, 120; Smith-Hughes, 120
Election, general, 9, 214
Election, popular, of State officers, carried to extreme, 17
Ely, R. T., 214
Embalming, Board of, 15, 228-230
Ency. Miss. History, 62, 138, 139, 141, 146, 161, 162; see also Rowland
Engineer, State Highway, 14
Entomologist, 15, 257
Equalization, county boards of, 213
Eradication, tick, 200, 232
Examination, of candidates for law examiners, 167; county teachers', 83; teachers', 61; uniform, 62
Examinations, teachers', 149
Examiners, Bank, may be removed by Banking Commission, 169; salary, 169
Examiners, Board of Bank, 9, 162, 166, 170f, 178, 181-3; bond for, 167; chairman of, 176; duties of, 169, 172; qualifications of, 166; reports of, 180; vacancy in, 168
Examiners, Boad of Dental, 13, 227-8
Examiners, Board of Law, 12
Examiners, Board of Library, proposed, 113
Examiners, Board of Nurses, 13, 228-9
Examiners, Board of Pharmaceutical, 12, 227-8
Examiners, County Board of Teachers', 82; compensation, 82; personnel, 83
Examiners, State Board of Teachers', 11, 14, 69, 70, 83, 90, 99, 151; appt. by Supt., 70; compensation, 71
Examiners, Board of Veterinary, 13, 228, 232
Exemptions, military service, 53
Expenditure, on Education, 33, 65, 66
Extension, agricultural, 260

F

Failures, bank, 166; causes of, 165; in Miss., 164; since 1914, 177; in Southern States, 164
Fairs and expositions, 250
Fertilizers, analysis of, 253; tax on, 11
Fever, yellow, 221
Finance, problems of educational, 123
Finances, the State's, 193, 195
Food, adulteration of, 230
Forrest County, 144, 235; authorized to issue bonds for securing Normal College, 143
Free-holder, resident, 212
Free Trader, 160
Friends, Society of, 35
Fund, Chickasaw School, 64, 116-117; common school, 40, 63; Confederate pension, 192; county indigent, 189; county school, 118; free school, 40; general school, 116, 121; guaranty, 170f, 172, 177, 182; landscrip, 134, 136-7; literary, 23, 24, 27; military, 189;

school house, 53; school land, 53; seminary, 27, 134; state school, 53, 119; teachers', 50, 53, 59; Two per cent, 117, 149; Three per cent, 117, 149

Funds, Chickasaw, 44; county A. H. S., 86; deficit in institute, 104; educational, 53; federal, 116; invested, 115; school, 41, 44, 47, 48, 69, 122, 149; school houses 61; sixteenth section, 42; Smith-Lever, 261; special, 134; Two and Three per cent, 118

G

Garner, Dr. J. W., 35, 38, 41, 55, 58, 261

Garner, P. P., Com. Agr. & Commerce, 249

Geologist, State, 14, 258

Georgia, 126

Goodnow, F. J., 7; Municipal Home Rule, 148

Government, division of departments, 7; carpet-bag, 60, 146, 190; confederate, 184; federal, 21; post-confederate, 184; Spanish, of Miss., 21

Governor, 7, 14, 15, 18, 73, 110, 115, 152, 220-221, 224, 232, 247-8, 255, 257; appointive power, 12ff, 167; on board trustees Normal College, 143; cannot succeed himself, 7; double maority for election of, 8; powers, 16; pres. A. & M. College Board Trustees, 138; pres. Univ. Board Trustees, 130-1; pres. Literary Fund, 24

Graduates, college, 101

Grange, State, 137

Greek, language, 24

Green, J. J. T., of Jackson, 161

Grenada, 139

G. T. T., 161

Gulfport, 177, 179

H

Hancock, County, 40, 219, 235.

Harris, S. S., Bank Examiner, 180.

Harrison, County, 196, 219.

Hart, Henry, Pres. Miss. Bankers Assn., 1915, 179.

Harvard, 126

Hattiesburg, 144

Hawkins vs Mangum, 210

Health, County boards of, 226; Nt'l. board of, 221

Health, public, 19, 218

Health, State board of, 12, 219-220ff, 223ff, 226f, 229-231, 234f, 236ff, 241, 243, organization of 253f; reports, 233f, 238-240, 241-2

Henderson, John, petition for gospel of education, 21

Henry, T. M., auditor, 164.

High Schools, agricultural, 120, 153-4, 259; bi-county, 85-6; county, 83-84; functions of, 87; land required, 84; negro, 88; state support of, 85; statistics, 88; trustees of, 86

High Schools, city and town, 154; rural, 154

Hinds, County, 39, 42, 140

Holly Springs, 56, 145, 183, 251

Horticulture, dept. of at Univ., 137

Hospital, Charity, 242

Hospital, E. Miss. Insane, 242

Hospitals, Kings Daughters, 242

Hospital, Mattie Hersee, 242

Hospital, State Charity of South Miss., 242

House Journal, 1839, 127; 1841, 129; 1844, 127; 1872, 146; 1876, 145

Hubbard, F. J., 120

Humphreys, Gov., 35, 135

Husbandry, animal, bureau of, 250; prof. of at A. & M. College, 15, 232, 255

I

Illinois, 261

Illiteracy, 57

Immigration, 247

Immigration and Agriculture, commission of, 246-7; lept. of, 247f

Independence, National, 184

Indians, schools for, 114

Industrial Institute and College, 101, 131, 139, 152; act of incorporation, 140; bill for estab. of, 140; Bulletin 1918, 141; site at Columbus, selection of, 141; statistics, 141

Inrustdy, banking, growth of, 164

Industry, bureau of animal, 256

Inspection, hotel and restaurant, 238

Inspector, chief canitary, 238

Inspector, state factory, 12, 228-231

Institute, teachers', in each congressional district, 45, 52, 61, 103, 104, 150

Institution, Miss. for education of Deaf and Dumb, 114

Institution, State for instruction of the Blind, 114

Institutions, deaf, dumb, and blind. 63; educational and eleemosynary, 13, 191; higher educational, 192

Insurance, State Commission of, 10, 15, 18

Interior, U. S. Secretary of, 136

Interest, rate of to depositors, 173

Issaquena County, 119

Itta Bena, 183

J

Jackson, 75, 138, 144, 179, 190 242

Jackson, County, 196, 219, 235

Jasper, County, 196

Jefferson College, 21, 126, 128; library, 111

Jefferson, County, 39, 42

Johns Hopkins, 184

Johnson, Oscar, 204

Jones, County, 196, 235

Judge, presiding of Supreme Court, 24

Judges, Supreme Court, 15

Justices, county, 23

K

Kentucky, 126

Ker, Rev. David, 21

Kyle, legislator, 202

L

Labauve, endowment to Univ., 132

Laboratory, chem., 136

Laboratory, Division of Hygienic, 236

Land, school, 48

Lands, Chickasaw, 24, 149, 160

Lands, Choctaw, 24, 25, 64

Lands, public, 134

Lands, ratings of, in 1815, 187

Lands, school, 23, 24; sale of, 50f; lease of, 51

Latin, 24

Laurel, 144

Law, banking, 188, 162; 1892, 162; to insure bank deposits, 164; 1914, 162; 166f, 183

Law, compulsory school, 123

Law, general common school, 59

Law, Model, 237, 239

Law, proposed of Educational Comm., 90

Law, School, 30-31; 1846, 42f; 1870, 42f, 46,97; 1876, 58; 1886, 51.

Lawrence, County, 40

Laws, 1866-7, 135; 190

Laws, 1871, 136

Laws, 1876, 130-1, 219

Laws, 1877, 220

Laws, 1880, 222-223

Laws, 1882, 15, 223, 230, 247, 252

Laws, 1888, 230, 251-3

Laws, 1890, 105-6

Laws, 1894, 10, 119

Laws, 1896, 11, 71, 212, 228, 254-5

Laws, 1900, 17, 120, 121

Laws, 1901, 251

Laws, 1902, 14, 83

Laws, 1904, 13, 15, 102-3, 108, 228, 251, 254

Laws, 1906, 11, 14, 15, 121, 247-8, 257-8

Laws, 1908, 14, 15, 84, 101, 120, 133, 231-2, 256-8

Laws, 1910, 84-89, 119-120, 131-3, 141, 143-4, 147, 216, 230-2, 251, 255-6, 259

Laws, 1911, 84

Laws, 1912, 11, 75, 84, 101, 108, 117, 119-120, 122, 133, 141, 144, 147, 231-2, 237, 249, 254, 256, 259

Laws, 1914, 12, 13, 102, 117, 119-120, 122, 144, 147, 209, 228-9, 231-3, 237-8, 255-6, 259

Laws, 1916, 11, 12, 14, 17, 69, 72-3, 84, 86, 89, 95-6, 100-102, 108-110, 115, 117, 120, 122, 144, 147, 200, 202-203, 206, 232, 235-236, 238-240, 255-6, 259-260

Laws, 1917, (spec. session), 260

Laws, 1918, 12, 14, 15, 72, 101, 114-115, 117, 120, 122, 124, 134, 139, 141, 144, 147, 166, 182, 200, 214-216, 230, 232, 236-240, 242, 248-249, 252, 255-257, 259-261

Laws, banking, Miss. & Federal, 168

Laws, feed and fertilizer, 249, 252, 255

Laws, school, 1846, 38; code of, 73; Pamphlet of, 46

101

Learning, institutions of higher,

Leagues, taxpayers', 190

Leases, school lands, 28; sixteenth sections limited to ten years, 64

Lee, County, 196

Legislation, fiscal, 185

Legislation, minimum essentials of school, 125

Legislators, not to serve on board trustees colleges, 132; to serve on board, 133

Legislature, 41, 116; creates Planters' Bank, 158; special session, 1837, 159; 1846, 30; 1848, passes four statutes on education, 32; 1860, passes twenty-six statutes on education, 33; 1861, 130; 1904, 227; 1916, 98

Liberator, The, 127
Librarian, county, proposed, 113
Librarian, State, 7; selected by legislature, 9, 113, 116
Libraries, public, 110; statistics of Miss., 111
Library, county board, proposed, 113
Library, county free, proposed, 113
Library, Massachusetts, 110
Library, package, bulletin, Miss. A. & M. College, 112
Library, public, 150
Library, school, 112
Library, situation in Miss., 111
Library, State, 14, 110
License, bank examiners' valid four years, 168
License, teachers', 62; first grade, 99; in Indian schools, 114; professional life, 100, 101; renewal of, 97; revoked by, 79; second grade, 99; state, secured, 100; state, valid for three years, 100; third grade, 99; transferred, 83, 100; varieties of, 98
License, for sale of liquor, 40; proceeds to education fund, 40
Lieutenant Governor, 7; election of, 8, 18
Lincoln, County, 117
Livestock, Sanitary Board, 14, 15, 228-232, 242, 251, 255-7
Lobbying, 155
Longino, Gov., 142
Louisiana, 145; tax commission of, 214
Louisville, 129
Love, J. S., Chairman Board Bank Examiners, 178, 180, 181, 183
Lowndes, County, 28
Lowry & McCardle, History of Miss., 20, 26, 29, 185

M

Macy, Our Government, 36, 37, 38
Madison College, 127
Madison, County, 227
Magruder, F. H., 155, 261
Malaria, eradication of, 239, 224
Map, register & outline, 80
Marion, County, 40
Marshall, C. K., 105
Martin, Hon. J. McC., 140
Maryland, 126
Massachusetts, Pub. Adm. in, 148
Mayes, Judge Edward, History of Education in Miss., 21, 22, 25, 29-34, 36, 37, 43, 54, 57, 95, 126-130, 132, 134-7, 140, 145, 146
McFarland vs Goins, 84
McNeely, J. K., 140
McNeill, 251
McNutt, Gov., 127, 129; message, 139, 160, 161
Medicine, practice of, 223
Memphis (Tenn.) Commercial-Appeal, 120, 122, 125, 179, 181, 204, 217
Meridian, 35, 242; pub. library for negroes in, 111
Mexico, Gulf of, 219
Middle States, 126
Middleton, 129
Millsaps, R. W., 160, 161
Mill tax, 155
Minute book twenty-six, 217
Mississippi, admitted to Union, 23; early immigrants to, 126
Mississippi, Bank of, 157-8; discontinued in 1839, 159
Mississippi City, 129
Mississippi College, 25

Mississippi River, 184, 187
Money and Its Laws, 161
Money, paper, issued by Planters' Bank without limit, 158
Monroe, County, 61, 196
Monroe Missionary Station, 129
Month, school, twenty days, 51
Morrill, Land-grant Act, 134, 146
Municipal Home Rule, 148
Municipalities, 16, 17; allowed to issue bonds for securing Normal College, 143; separate educational districts, 47

N

Natchez, 21, 35, 157-8, 187
National Guard, 12
Negro, education of, 123; Industrial training of girls, 146
Negroes, higher education for, 56
New Albany, 183
New England, Anti-Slavery Society of, 127
New England States, 126
Newton, County, 177
New York Financier, 164
New York, General Education Board of, 94
New York World, 110
Normal College, 11, 13, 87, 142, 154; bids for site of, 144; established 1910, 125, 141; located at Hattiesburg, 144; provision for by legislature 1910, 142; spearate board of trustees for, 143-4, 152; statistics, 144
Normal, State for training of negro teachers, 145
North Carolina, 237
Northwest Freedman's Commission, 35

O

Oakland College, 25, 145
"Obstructions, impassible," for schools, 81
Office, assessing, reasons for failure of, 208
Office, general land, 135
Office, expenses of State Supt. of Education, fixed by State Board, 70
Officer, Executive of State Board of Health, 15
Officer, County Health, 222
Officer, school, not an agent for publishers, 63
Officers, administrative, 7
Officers, county, 16
Officers, county health, 225, 240-1
Offices, elective, 18
Offices, provided for by legislature, 9
Oklahoma, 165
Oktibbeha, County, 201
Ordinance of 1787, 20, 128; for defense, 189
Organization, county, 16
Organization, executive gradual, 17
Oxford, 131, 183; site for seminary, 1841, 129

P

Pacific Express vs Seibert, 214
Pardons, Board of, 14
Party, Democratic, 214
Pearl River, 40, 185
Pearl River, County, 94, 235, 240, 252
Pease, H. R., 149
Pedagogy, dept. of Industrial at A. & M. College, 138
Pellagra, treatment of, 239
Period, modern, 184; reconstruction, 184, 190; 1861-67, 189, territorial, 184ff; transitional, 184, 188
Peyton, Mrs. A. C., 140
Pharmacy, practice of, 224
Philadelphia (Miss.), 183

Plant, State Board, 15, 257
Planters' Bank, 27, 160
Poindexter, General, 23
Poindexter, Gov., 158
Police, county board of, 42
Poll Tax, for education, 40 (see tax)
Poor, H. V., 161
Poore, B. P., 36, 184
Poplarville, 252
Port Gibson, 158
Powers, of Governor, 15, 16
Powers, Gov., 145
Prentiss, County, 235, 240
Presbyterian Board, Reformed, 35
Presbyterian Church, 25
Presbyterians, 145
President, A. & M. College, on Geological Comm., 15, 257; see A. & M. College.
Press, Johns Hopkins, 155, 261
Preston, J. R., Supt. Ed., 61, 65, 106; report of, 62
Princeton, 126
Property, personal, 188; real, 188; visible, 186
Public Schools, open only to whites, 34; uniform system of, 39, 41; see also high schools, schools
Pupils, negro, 35
Pupils, number of, 33, 65, 66; 1880, 59; 1882, 60; transportation of, 88ff

Q

Quarantine, 223-4; at gulf ports, 219
Quitman, Go., message, 128

R

Rate, millage, 195; tax rate for State fixed by legislature, 200
Rates, tax, decrease in after 1875, 191
Rawles, W. A., 148
Reconstructionists, 58
Regime, reconstruction, extravagance of, 191
Register, Miss. Official and Statistical Register, 138; Centenary Volume, 142, 144, 146-7
Registration, U. S. aera of, 237-8
Reneau, Miss S. E., 139, 140
Reports, auditor's, 164; departmental 223-4; school officers and teachers, 76
Republicans, 58
Revenue, sources of for educational purposes, 115
Revenue, State's System and Fiscal Affairs, 193
Riley, F. L., School History of Miss., 21, 25, 33, 105, 125, 190
Rodney, 131, 159
Rosedale, 183
Rowan, J. L. Pres. Alcorn A. & M. College, 146-7
Rowland, Dr. Dunbar, Ency. Miss. History, 21, 23-5, 27-9, 34, 36-7, 60-1, 98, 110, 117, 125, 136-7, 139, 145, 157-160, 164, 220-1
Runnels, Gov., 159; message, 128
Russell, Lee M., candidate for governor, 204

S

Salaries, county superintendent of education, 56; teachers,' 51, 55, 57, 62, 75, 102, 103; teacher's discounted, 62; teachers' at institutions, 52
Salem District, Covington Co., 120
Sallis, Bank of 177
Sanitarium, State Tuberculosis, 242

Sanitation, Division of Rural, 234f; municipal, 238

Sargent, Maj. Winthrop, Territorial Governor, 21, 185

School, common county, without and with tax levy, 94; consolidated, 87, 94; Miss. Industrial and Training, 115; State Normal at Tougaloo Univ., 36; teacher training, 142

Schools, bi-country, 85; common, 67; consolidated, 83, 88, 120; denominational, 25; high, 66; negro, 35; public, 21, 62, 65-6, 122; rural, 142; secondary, 25; sectarian, 63; separate for white and black race, 63; see also High Schools, Public schools

Science, domestic, 85

Scott, Prof. T. P. 142, 144

Secretary of State, 7, 15, 18, 69, 133; election of, 8; duties of, 8, 9; general school commissioner, 33; on board of education, 39

Seligman, Prof. E. R. A., 214

Seminary, State, 128, 129; location at Oxford, 129

Senate, approval of in appointing boards, 130, 138

Senate and House, Joint Committee of, to consider State's revenue system, 192, 195, 205, 207, 209; report of, 193, 196, 198, 204, 206, 208, 212ff

Senate Journal, 1856, 139; 1866, 135; 1870, 41; 1872, 54; 1874, 57, 123; 1875, 57, 123; 1876, 57, 123; 1878, 59; 1880, 60

Service Bureau, at A. & M. College, 112

Sewall, Mr., Memorial of to Congress, 21

Shaw University, 56, 154

Sheriff, 186, 189, 209; as tax collector, 201

Simpson, County, 40

Sixteenth Section, 21, 44, 64, 116, 117, 149; shameful neglect of grant, 28, 29

Slavery, abolition of, 126

Slaves, taxes on, 157

Society, American Anti-slavery, 127

Society, American Baptist Home Mission, 35

Society, American and Foreign Anti-slavery, 127

Society, Auxiliary Agricultural, 244

Society, County Agricultural, 244

Society, Freedman's Aid, 35

Society, Miss. Historical, Publications of, 29, 33-4, 36-8, 42, 98, 137, 138, 162, 175, 185, 188

Society, State Agricultural, 244ff

Soldiers, practical course for disabled at A. & M. College, 259

Southern States, with ref. to land grant act, 135

Starkville, 131, 146, 201; A. & M. located at, 138

State ex rel vs Wheatley, 217

State Treasurer, 7, 44; election, 9

Station, experiment, 251; Holly Springs, 252; McNeill, 252; Stoneville, 252

Stations, experiment, 15, 250; branch, 251; director of, 257

Statute, educational, 41

Statutes, Digest of Miss. Territorial, 1816, 187; U. S., vol. 12, 146

Stockholders, double liability of, 172

Stocks, U. S., 134

Stone, A. H., 193-5

Stone, Gov., 59

Stonueville, experiment station at 251

Studies, scientific and classical, 134

Study, course of for public schools, 149

Sub-district, 56

Summit, 183

Sumner, Prof., 157-160

Superintendent, of Blind Institution, 115

Superintnednt, of Deaf and Dumb Inst., 115

Superintendent of Education, County, 39, 42, 46, 55, 56, 63, 69, 91, 92, 95-97, 112, 121, 149, 153, 154, 209, 247; appoints school trustee in case of vacancy 79; duties of, 47, 75, 78; deductions from salary of, 77, 78; elective, 39; not to teach, 75; office days, 77; opinion on school laws, 79; not an agent of publishers, 48; qualifications, 74; reports, 76-7; salary, 77; trustee of A. H. S., 86; visit of, 62

Superintendent of Education, County, Amite Co., 39, 42; Hindes Co., 39, 42; Jefferson Co., 39, 42; Wilkinson Co., 39, 42

Superintendent of Education, State, 10, 45, 48, 63, 65, 67, 69, 83, 116, 149-152, 154, 257; clerk to, 46; duties, 10, 11, 14, 18, 45-6, 68f; election of, 39; on board of education, 39, 42, 47; not to act as agent of publishers, 46, 48; on Normal College Board Trustees, 143; qualifications of, 39; reports of, 59, 65-8, 106; 1914-15, 117-19; 1916-17; 94 152, 154; supervises institutes, 52

Superintendent of Education, State, Assistant, 84

Supervisor, county, 206; county school, proposed, 90; State elementary school, 89; State rural school, 88

Supervisors, 76-78, 80, 86, 210; board of, 42, 48, 50, 113, 121, 199, 203, 208, 211-12; 219, 226; boards of, 55, 56, 119, 191, 196, 200, 205, 235, 250, 255, 256; levy tax for A. H. S., 87; persident of board, 213

Supreme Court, 83, 110; clerk of, 18; of U. S., 214

Swamp-lands, 40

System, fiscal, charges against, 195ff; extension of, 188

System, school, common, 60, 153; public, 148, 192; state, 122

T

Tactics, military, 134

Tags, fertilizer, sale of, 249, 253-4

Tax, 57; ad valoem, 119, 200; county, 185ff; extra poll, 119; general property, 213f; income, 186; military relief, 189; poll, 116, 119, 122, 188, 199, 201, 207; special war revenue, 189; territorial 1815, 187

Taxation, 19, 184; history of, in Miss., 184, 187, see Brough; local, 115; local for education, 118; state, 115; state for school support, 118

Taxes, road, 200; school, 200; inheritance, 216

Taylor, Dr. J. M., 224

Taylor, W. N., assistant State Supt. Ed., 84, 87

Teachers, 142; incompetence of, 61; in negro schools, 35; negro, 35, 61; number of, 33, 59, 65, 66; qualification of, 149; see also Association, License, Salaries

Tendencies, Centralizing in the Adm. of Indiana, 148

Tennessee, 140

Term, school, 39, 40; four months, 63, 116, 150; proposed six to seven months, 150

Territory, Mississilppi, 184-5

Texas, 165

Text books, 104-6; changes of, 72; free, 109; prices, 49; profits on, 106; selection of, 109; uniform, 75; uniform for county and town, 105-6; uniform for state, 107

Thatcher, J. S. B., 30

Tick, cattle, 251, 256

Timberlake, Miss Elsie, 29, 32, 34, 36, 37, 41, 98

Tishomingo, County, 118

Tombigbee River, 187

Tougaloo University, 56, 145; Normal Department of, 56

Towns, defined, 17

Townships, 16

Transylvania, 126

Treasurer, County, 52, 54, 245; Report Tishomingo Co., 118

Treasurer, State, 116, 141, 170, 171, 247

Trustees, Alcorn A. & M. College, 147; Blind Inst., 115; Deaf and Dumb Inst., 115; Dept. Archives & Hist., 14; Industrial Institute and College, 141; Industrial and Training School, 115; Penitentiary, 9, 18; school, 56; separate school districts, 96; University Miss., 129

Trustees, single board of, for State Univiersity and three state colleges, 131-3, 138, 141, 147, 152; control of by governor, 132; factional control of, 156; secretary of, 133; selection of, 132-3

Tuberculosis, 12; bovine, 232; bureau of, 240; prevention and treatment of, 239

Tunica, County, 42

U

Union, Indian school at, 114

Union, County, 124

Union-Bank-Bonds, 29

Union and Planters' Bank Bonds, not to be paid, 162

United Brethren, 35

U. S., Bank of, branch at Natchez, 157

Universities, Western State, 128

University, State, 34, 101, 128-132, 145, 152, 154, 257; appropriations for, 36, 134; coeducation at, 131; established, 127; first session of, 130; incorporation of, 130; library, 111; management, 133; at Oxford, 146; shares land-scrip fund with Alcorn A. & M. College, 136

V

Vaccine, anti-typhoid, 236
Values, land, variations in, 196
Veterinarian, State, 232, 255
Veterinary Science, Prof. of at A. & M. College, 15, 255
Vicksburg, 35, 159, 164, 242
Virginia, 126; educational commission of, 155; general assembly of, 155; Pub. Adm. in, 155; University of, 126
Village, defined, 17
Vital Statistics, Bureau of, 15, 229, 237

W

Walker, Dr. B. M., 138
Waller, H. K., Asst. Bank Examiner, 180
Warrents, school, 53
Warren, County, 120
Warren, Joseph, 35
Washington, County, 117, 217
Westbrook, 227
White, J. M., 137-8; Territorial Growth of Miss., 185
Whitten, Dr. R. H., 148
Wiggins, People's Bank at, 177
Wilkinson, County, 34, 42
Williams vs. Sharkey Co., 207
Wirt Adams & Co., 161
Woodville, 158

Y

Yale, 126
Yandell vs. Madison Co., 227
Yazoo Co., 118
Yazoo River, 184-5
Year, college, at A. & M. divided into quarters, 139
Youths, enumeration of, for school purposes, 47

VITA

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